ER 96-0455/8

Assassination Records Review Board
600 E Street NW • 2nd Floor • Washington, DC 20530
(202) 724-0088 • Fax: (202) 724-0457

November 27, 1996

VIA FACSIMILE

The Honorable John M. Deutch
Director of Central Intelligence
The Central Intelligence Agency
Washington, D.C. 20505

CIA HAS NO OBJECTION TO DECLASSIFICATION AND/OR RELEASE OF CIA INFORMATION IN THIS DOCUMENT

Re: The Central Intelligence Agency's Compliance with the JFK Assassination Records Collection Act, 44 U.S.C. § 2107

Dear Mr. Deutch:

Since 1994, the Assassination Records Review Board ("Review Board") has been working with a number of Federal agencies, including the Central Intelligence Agency, to locate and publicly release records related to the assassination of President Kennedy. These actions have been taken pursuant to The President John F. Kennedy Assassination Records Collection Act of 1992, 44 U.S.C. § 2107 (Supp. V 1994) ("JFK Act"). We have been working with Mr. John Pereira, Chief, Historical Review Group and Mr. Barry Harrelson, Senior Review Officer, Historical Review Group of CIA and have appreciated the cooperation we have received.

The purpose of this letter is to request your agency's cooperation in assisting the Review Board in discharging its responsibility of assuring Congress and the American people that the goals of the JFK Act have been accomplished to the greatest reasonable extent. We want to assure the American people that the United States Government has identified, located, and released all records relating to the assassination of President Kennedy. Indeed, one of the paramount purposes of the JFK Act is to certify to the public that the United States Government is not withholding relevant materials related to the assassination. *See, e.g., Assassination Materials Disclosure Act*, H. R. Rep. No. 102-625, Part 1, 102d Cong. 2d Sess. (1992) ("The Federal Government's failure to release official materials has contributed to numerous conspiracy theories and fueled charges of government complicity in the assassination . . . a salutary purpose is served in opening these files [relating to the JFK assassination] to allay the suspicion of government cover-up.").

The Review Board has recently considered how it, along with the relevant federal agencies, can best demonstrate to the American public that a thorough, good faith, and diligent effort has been made to locate and release all remaining assassination-related records within the control of the United States Government (and that the Government is not hiding any such materials from public disclosure). Pursuant to the Congressional mandate under the JFK Act to "create an enforceable, independent, and accountable process for the public disclosure of such records," 44 U.S.C. § 2107(2)(a)(3), the Review Board seeks to have the relevant federal agencies provide a complete and specific accounting of their efforts to locate and release assassination-related records, including a full explanation for any destruction of such records.

Accordingly, the Review Board requests that each relevant agency adhere to the formal compliance program (hereinafter "JFK Act Compliance Program") outlined below and devised by the Review Board pursuant to its powers under Section 7(j)(1)(A), (B), (C), (D), and (F) of the JFK Act. We hereby request that you undertake the following measures by the dates provided (these dates were set in view of the fact that the Review Board's operations currently are scheduled to expire on September 30, 1997):

1. <u>Designation of Agency Compliance Official (or officials) and statement of intent to comply with the JFK Act</u>. We request that by December 9, 1996, your agency designate an Agency Compliance Official who ultimately will be responsible for ensuring that the agency has complied with its obligations under the JFK Act, including the identification, location, and organization of assassination records and the transmission of those records to the National Archives and Records Administration ("National Archives"). Although the Review Board assumes that Mr. John Pereira or Mr. Barry Harrelson will serve in this position, we nevertheless await your formal confirmation. If necessary, your agency may designate additional persons with knowledge of the measures that have been undertaken to locate assassination records.

   We also request that by December 9, 1996, the agency convey its agreement to adhere to the compliance procedures outlined in this letter. To the extent that any compliance procedure described below appears to be unreasonable or to present difficulties that we may not have anticipated, please explain why and make alternate suggestions to us.

2. <u>Initial Statement of Compliance</u>. We request that the Agency Compliance Official prepare, by January 6, 1997, an initial written statement of the

agency's compliance with the JFK Act ("Statement of Compliance"), setting forth the steps that the agency has taken to locate and process assassination records. The Review Board recognizes that many of the relevant federal agencies, including the Central Intelligence Agency, have previously written letters to the Review Board apprising it of their progress at various stages of identifying and processing assassination records under the JFK Act. The Statement of Compliance, while it may include information previously reported to the Board, is to be the agency's comprehensive and final report to the American public of what it has done to locate records relating to the assassination. This Statement of Compliance shall include, to the fullest reasonable extent, the following information:

a. A complete description of all steps that your agency took to identify and locate assassination records including, but not limited to, an identification of the major record collections and files that were consulted in the agency's search, any departmental file indices consulted, the names and titles of the persons who were responsible for conducting the searches, the physical locations of the records that were searched, the off-site storage facilities (*e.g.*, Federal Records Centers) searched, the specific steps that were taken to locate and retrieve materials in archives, and any other criteria used by the agency to locate assassination records.

b. A description of the steps that the agency took in direct response to specific requests of the Review Board to locate certain additional records or information relating to the assassination. In particular, we ask that the CIA describe what specific steps it has taken to address the following requests: CIA-9, Publications and Analytical Materials (*See* David G. Marwell letter dated March 6, 1996 to Mr. John Pereira); CIA-11, Silvia Duran's Original Statement (*See* David G. Marwell letter dated May 3, 1996 to Mr. John Pereira); CIA-12, JMWAVE Materials (*See* David G. Marwell letter dated May 22, 1996 to Mr. John Pereira); for HTLINGUAL records (*See* T. Jeremy Gunn Memorandum dated October 1, 1996 to Mr. Barry Harrelson); and for Monthly Operational Reports on Cuban Exile Groups (*See* Manuel E. Legaspi Memorandum dated October 17, 1996 to Mr. Barry Harrelson).

c. To the extent that any assassination-related records have been destroyed by the agency or any agency official, a full and specific explanation of the circumstances surrounding the destruction of such records.

d. The status of remaining work that you can now identify that needs to be completed by your agency in order to comply fully with the JFK Act, including an identification of the categories of records that must be processed and transmitted to the National Archives, a description of any additional searches for files that must be done, and the projected date(s) for completion of these tasks.

3. <u>Review Board Interview With Agency Compliance Official (or Officials)</u>. Shortly after the submission of the agency's written Statement of Compliance, we ask that the Agency Compliance Official (as well as any persons who helped prepare the agency's initial Statement of Compliance) be made available to the Review Board for an interview regarding the location of agency assassination records. The interview will be used as an opportunity to resolve any outstanding questions regarding the agency's search, including any follow-up tasks to be completed by the agency. The Review Board anticipates that these interviews will be conducted in January 1997.

4. <u>Submission of Final Agency Declaration of Compliance</u>. By July 1, 1997, Federal agencies are expected to complete the process of identification, location, and declassification of its assassination records at which time they should submit to the Review Board a final declaration certifying, under oath, their compliance with the provisions of the JFK Act (the "Final Declaration of Compliance"). Because of the volume of CIA records, such a "final" statement may not be practicable at that time. However, we do expect that CIA will provide a complete status appraisal by July 1, 1997. This final declaration shall set forth all of the information initially set forth in the initial Statement of Compliance and shall also supplement the initial Statement of Compliance by detailing any further steps that were conducted by the agency in identifying and locating assassination records. The agencies' Final Declarations of Compliance will be included in our final report to Congress.

13-00000

5. Compliance Depositions. Starting on or about August 1, 1997, the Review Board, pursuant to its statutory authority, may conduct depositions, under oath, of the Agency Compliance Official along with any other agency officials with responsibility for complying with the JFK Act. The decision to take a compliance deposition of an agency will be made on a case by case basis, taking into account the importance of the agency to the work of the JFK Act and the sufficiency of the agency's efforts to account fully for its compliance with the JFK Act. In the event that the Review Board decides to commence a compliance deposition of an agency, the responsible agency designee(s) will be expected to testify under oath with respect to any and all issues relating to the agency's record search, including the scope of the search, the identity of files searched, the destruction of any relevant records, and any other matters set forth in the Final Declaration of Compliance. Any person obligated to appear for a deposition under oath shall be fully entitled to obtain legal representation.

We look forward to receiving your initial response, by December 9, that designates your Agency Compliance Official and includes your statement regarding your position with respect to the provisions outlined in this letter. To the extent that you have any questions or suggestions regarding the Compliance Program, please do not hesitate to contact our General Counsel, T. Jeremy Gunn, at (202) 724-0088.

Thank you for your cooperation with our work.

Sincerely,

David G. Marwell
Executive Director

cc: The Honorable Nora Slatkin, Executive Director, Central Intelligence Agency
Michael O'Neil, General Counsel, Central Intelligence Agency
John Pereira, Chief, Historical Review Group, Central Intelligence Agency
Barry Harrelson, Senior Review Officer, Historical Review Group, Central Intelligence Agency

CENTRAL INTELLIGENCE AGENCY
WASHINGTON, D.C. 20505

General Counsel

9 December 1996

David G. Marwell
Executive Director
Assassination Records Review Board
600 E Street N.W., 2nd Floor
Washington D.C. 20530

Dear Mr. Marwell:

The Director of Central Intelligence has forwarded to me your 27 November 1996 letter for response. I commend the efforts of the Review Board and its staff in reviewing and releasing hundreds of thousands of United States Government documents for greater public understanding about the assassination of President Kennedy. I also confirm the Central Intelligence Agency's commitment to continue working closely with the Review Board in carrying out its statutory authorities.

With regard to the requests made in your letter, I understand the Review Board's desire to demonstrate to the public that it has carried out its duties thoroughly and diligently. You have requested that CIA appoint an Agency Compliance Official to be responsible for ensuring CIA's compliance with its obligations under the JFK Act. The DCI has full confidence in Mr. John Pereira as Chief of the Historical Review Group (HRG) and has determined that Mr. Pereira will continue to act as the CIA official responsible for ensuring full compliance with the JFK Act and will remain the Agency's focal point with the Review Board.

You have also requested that CIA provide an Initial Statement of Compliance. Mr. Pereira and Mr. Barry Harrelson, the senior review officer for HRG, as well as the rest of the HRG staff, have always been available to you without restriction. The Review Board and your staff have been provided access to any relevant documents or information you have requested. As you know, the Review Board was fully informed as to the steps CIA took to designate Agency records as part of the President Kennedy collection. HRG has also arranged for multiple briefings by senior CIA officials from a wide variety of CIA components so that the Review Board can better understand the information it is reviewing. Given the current effective relationship between HRG and your staff, should you require additional assurances of this Agency's compliance with the JFK Act, I suggest that you contact Messrs. Pereira and

Harrelson directly. As usual, they will provide you with the specific information you need as quickly as possible to continue to record CIA's compliance with the JFK Act.

As to your request for a complete description of the steps CIA has taken to respond to specific requests, I understand that there are several outstanding requests. HRG has assured me that these requests have been discussed with your staff and responses will be provided to you as quickly as possible. Given the number and breadth of the requests that are being made by the Review Board and the limited staff resources available to CIA to process such requests, I ask that the Review Board continue to prioritize all its requests for information or documents. With the Review Board's priorities established in this way, the Agency can immediately work on those requests that are most important to the Review Board. Of course, as CIA responds to these requests, HRG will provide any information the Review Board needs as to how the searches were conducted. I believe that this method will best meet the needs of the Review Board and will allocate CIA's limited resources in the most efficient manner possible.

Finally, as to your requests to interview CIA officials responsible for this Agency's compliance with the JFK Act, Mr. Pereira has always been available to the Review Board for informal discussions as well as for giving sworn testimony including depositions. CIA has never objected to the Review Board deposing or interviewing informally any of its current or former employees and has, in fact, facilitated such interviews. You will also recall that, on 6 August 1996, Messrs. Pereira and Harrelson gave sworn testimony at an open hearing of the Review Board.

I trust that this responds to the concerns raised in your letter. Of course, if you should have any questions regarding this matter, please do not hesitate to contact Linda C. Cipriani, an attorney in the Office of General Counsel, at (703) 874-3124.

With every good wish, I am

Sincerely yours,

Michael J. O'Neil

David G. Marwell

DCI/OGC/LD/LCCipriani/76124 (2 Dec 96)

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Distribution:
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Assassination Records Review Board
600 E Street NW • 2nd Floor • Washington, DC 20530
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April 16, 1997

Mr. J. Barry Harrelson
Historical Review Group
Center for the Study of Intelligence
Central Intelligence Agency
Washington, D.C. 02505

Re: Status of CIA Responses to Assassination Records Review Board's Compliance Program and Requests for Additional Information and Records

Dear Barry:

I am writing to memorialize the Review Board's understanding of the status of CIA's responses to our formal and informal requests for additional information and records that have been requested pursuant to the Review Board's authority under Section 7(j)(1)(C)(ii)of the President John F. Kennedy Assassination Records Collection Act of 1992, 44 U.S.C. § 2107 (Supp. V 1994) (JFK Act).

It is important that everyone at the Agency who is responsible for providing answers to our requests for additional information and records understand that the answers will need to be incorporated by reference into the Agency's Final Compliance Statement. Essentially, CIA will need to attest, under oath, that it has made all reasonable and diligent searches and that its answers are true and correct to the extent of the best, reasonably available information. In this regard, is important to note that when the Review Board requests, for example, a 201 file, it is ***not*** asking that you identify relevant records within the Sequestered Collection. ***Rather,*** it is asking to review the original 201 file in its current and most complete version.[1]

[1]The Review Board has no basis for assuming that a 201 file as it appears in the Sequestered Collection today is necessarily complete. It is fully possible that a relevant document was not identified by CIA or the HSCA in 1978-79 and therefore is not included in the Sequestered Collection, or that a relevant document that was initially placed in the Sequestered Collection in 1978-79 may have been misplaced at some point during the subsequent twenty years. Therefore, in response to requests for files, ***it is not sufficient merely to point to places where responsive records appear in the Collection.*** On a case-by-case basis, we are very willing to hear your explanations for the possible burdensomeness of any particular search or your analysis of why a search

As we have written in our formal requests and as we have said to you orally, you should interpret our requests in the broadest reasonable sense. However, to the extent that you believe that a request poses an unreasonable burden that we may not have anticipated, or to the extent that you have suggestions to modify or to amend our requests in such a way as to better reach our goals, you should not hesitate to make suggestions or seek clarification. However, unless we specifically hear from you to the contrary, it is our presumption that CIA will respond fully to the requests as posed.

In response to your request, the ARRB staff has now identified six of our outstanding requests as high priority issues. We would appreciate your forwarding to us as much responsive material as you are reasonably able to assemble during the upcoming two weeks with regard to these six issues. We wish to obtain a reasonably complete response to these requests within one month. These six issues are identified in the text by double asterisks (**).[2]

The remainder of this letter is divided into two parts involving first, the formal requests for information and records, and second, the informal requests for information and records. Please let me know if your understanding of any of the following points differs from ours so that we can resolve any potential discrepancies.[3]

I. Formal Requests.

CIA-1 Organizational Material.

CIA has collected information responsive to this request for Review Board action. The ARRB staff has identified records that it believes will enhance the

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will not be fruitful.

[2]As identified more fully below, the six issues are: CIA-7 (Histories); CIA-16 (Oswald Pre-assassination files); personnel assigned to a designated post; QKENCHANT; the electronic take from the Mexico City Station; and files on George Stanley Brown.

[3]This memorialization follows-up, in large part, on your conversations of March 19 and 20, 1997 with Michelle Combs and on the DO and DS&T briefings to the ARRB staff on April 1, 1997.

historical understanding of the assassination by providing some background on CIA records.

CIA should now review the DO and DS&T organizational material and re-examine some of the proposed redactions. Several documents have been cleared by the directorate IRO's for either release in full or release with minor redactions.[4] The ARRB staff will consult with CIA to determine whether these records should be designated "assassination records" or whether they could be made available publicly in a manner similar to the material from the 1996 Boston trip. HRG would like to discuss this issue before the materials are formally put before the Review Board.

CIA-2 through CIA-5.

These requests have been satisfied and no further action is needed by CIA.

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[4]These are:

DCI

- –Organization of the Office of the Director 1963
- –Mission Statements for 1959, 1962, 1965 and 1966
- –some Office of the Director notices
- –OGC and IG Mission Statements for 1964, 1966, 1969, 1975, and 1976
- –OLC Mission Statement for 1975 and 1976

DI

- –Organization and Functions of the DI pre-1961
- –Organizational Charts for 1961, 1964, and 1969
- –Mission Statements for 1961, 1963, 1964, 1966, and 1970

DA

- –Mission Statements 1957, 1958, 1960, 1963, and 1974
- –Organizational Chart 1958, 1960, 1961, 1962, 1964, and 1966
- –Office of Security Organizational Charts for 1956, 1958, 1962, 1963, 1966, 1967, 1969, and 1975
- –Office of Security Mission Statements for 1958, 1962, 1963, 1966, 1969, and 1975.

CIA-6 Cables and Dispatches.

The Review Board first made this request on September 11, 1995. On September 11, 1995, CIA agreed to make these materials available by December, 1995. On October 1, 1996, CIA agreed to make these materials available by November, 1996.

We are aware that many of the cables requested are already in the JFK files, but not all are included. Those that we have not been able to locate in the collection include: Mexico City Station to Headquarters (September 26-30, 1963); Headquarters to Mexico City Station (September 26-30, 1963); JMWAVE to Headquarters (September 26-November 21, 1963); Headquarters to JMWAVE (September 26-November 21, 1963); and all traffic between the Mexico City Station and JMWAVE for the periods September 26-October 20, 1963 and November 22-December 30, 1963.

**CIA-7 Histories.

The Review Board first requested access to several internal CIA histories and to indices of histories on November 8, 1995. On August 8, 1996, after reviewing a list of histories that you provided, the ARRB staff designated approximately sixty histories for which further review was sought. To date, the ARRB staff has reviewed the seven histories that CIA has made available and has made suggestions with respect to further processing of those seven histories. CIA should make the remaining sixty-plus histories available.

CIA-8 Intelligence Community Staff records.

The Review Board first requested information on the Intelligence Community Staff on March 1, 1996. On October 1, 1996, CIA agreed to report on the status of this request within two weeks. The Review Board has not yet received any substantive response to this request.

CIA-9 Intelligence Community publications on Cuba or USSR (November 20-30, 1963).

The LBJ Library has already identified several publications for mandatory

review.[5] Michelle Combs reviewed the materials and identified some that should probably become available to the public. The DI has been tasked to locate the additional publications that have been requested.

CIA-10 Interagency Source Register.

CIA has provided a full description of the ISR, which should now be submitted as a formal response to the Review Board's request. Once the formal statement is provided, this request will be complete. (Under separate cover, the Review Board is sending to you an additional request for information and records, CIA-17, which provides a list of names that we request you check against the Interagency Source Register.)

CIA-11 Sylvia Duran materials.

CIA reports that it has exhausted its reasonable leads for pursuing additional information. CIA has agreed to provide a formal letter for the record detailing what searches were done and confirming that the responsive document currently in the JFK collection is a true copy of the original letter. Once this formal statement is provided, this request will be complete.

CIA-12 JMWAVE and David Sanchez Morales.

On May 22, 1996, the Review Board requested access to "all 201 files, personnel files, Office of Security files, P-files, or any other files" relating to five persons allegedly connected to JMWAVE. It is our understanding that, in response to this request, several months ago CIA located and made available for our review many records responsive to this request. However, it is also our understanding

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[5]They include:

Intelligence Report (11/22/63; 11/23/63; 11/24/63; 11/26/63; 11/27/63; 12/11/63; 12/13/63; 12/18/63; and 12/20/63).

Intelligence Memorandum (11/23/63; 11/24/63; 11/25/63; 11/25/63; 4/20/64; and 10/16/64).

President's Intelligence Checklist (11/23/63; 11/24/63; 11/25/63; 11/26/63; 11/27/63; 11/28/63; and 11/30/63).

that all of the records provided were located in the Sequestered Collection.

As stated in the second paragraph at the beginning of this letter, we seek to review the original files that we have requested. The DO provided no response and no time frame for a response.

CIA-13 Mexico City Backchannel Communications.

This request, dated November 1, 1996, was raised at the DO follow-up briefing on April 1, 1997. The DO provided no response and no time frame for a response.

CIA-14 Mexico City Station Annual Reports.

This request, dated December 23, 1996, was raised at the DO follow-up briefing on April 1, 1997. The DO provided no response and no time frame for a response.

CIA-15 Win Scott files identified in Russ Holmes Files.

CIA has completed its response and no further action is needed.

**CIA-16 Oswald Pre-Assassination Files.

The HRG reportedly received a lengthy answer from the Office of Security on the LHO files and a formal response to the Review Board's request is in process. Oswald's Office of Security file has been located and will be delivered to HRG for review in April. Access to other files will require a special request from HRG to the Office of Security and should be requested by HRG for ARRB staff review.

II. Informal Requests.

All of the following informal requests have previously been made to CIA. For future reference, they will be referred to by the "Informal Request" (IR) number provided below.

**CIA-IR-01 Personnel assigned to post from 1959-64 (*see* RIF 104-10065-10199).

This request, originally made in November 1996, was raised at the DO follow-up briefing on April 1, 1997. It is our understanding that the DO believes that it is not able to answer this request. The ARRB staff does not find DO's response to be credible. We believe that with all of the resources at the Agency's disposal -- including ready contact with individuals who should be able to answer this question from memory -- this question can be answered.[6] The ARRB staff has provided suggestions as to how this information could be obtained, including suggesting the types of files and cables that could be searched.

CIA-IR-02 Location of cable identified in JFK 1993.07.20.10.18:29:650630.

The cable was delivered to the Review Board on March 20, 1997. No further action by CIA is needed.

CIA-IR-03 Full computer search for list of documents in HTLINGUAL file.

CIA should undertake a computer run for all HTLINGUAL documents. All computer searches for these documents should be documented in a formal letter for the record.

CIA-IR-04 Disposition of Angleton's files.

The Review Board seeks to ensure that it has taken all reasonable steps to account for any files that James Jesus Angleton possessed or controlled that related to the assassination and to Lee Harvey Oswald. Because of the perceived controversy surrounding the disposition of Angleton's files, the Review Board believes it prudent to obtain a clear understanding of the types of files that he maintained and their ultimate disposition. (The Review Board does not seek to explore any subjects in Angleton's files beyond those that may have pertained to the assassination.) To date, CIA has made available certain documents provided by the CIC and the case files for *Mangold v. CIA*. The Review Board requests any additional information in the possession of CIA that would explain the disposition of Angleton's files.

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[6]The ARRB staff has spoken with a retired CIA official who claims to be able to answer this question from memory, but who refused to do so.

CIA-IR-05 Possible foreign source for records on Oswald.

CIA was informally requested, more than two years ago, to use its contacts to pursue certain records related to Oswald that were orally described to CIA. The Review Board believed that, for reasons of security classification of information, it would be appropriate for CIA to make the initial inquiries rather than the Review Board. Under separate cover, we are providing documentation of the action the Review Board has taken to further this request.

**CIA-IR-06 QKENCHANT.

The Review Board seeks information regarding the purpose of QKENCHANT and its connection with Clay Shaw, Howard Hunt, and Monroe Sullivan.

The Review Board was initially provided some information in regard to this request that now appears to be incorrect. CIA is now seeking additional information to correct or to clarify its previous answers. The Review Board seeks an immediate, full, and accurate response to this request.

CIA-IR-07 Claude Barnes Capehart.

The ARRB staff has reviewed all records that CIA has been able to locate to date. During the course of this review, additional questions were raised that you agreed to pursue. You also agreed to conduct additional searches to determine whether there may be additional retrievable records on Mr. Capehart.

CIA-IR-08 Unredacted copy of the "Family Jewels" memoranda.

HRG will locate this item.

CIA-IR-09 George Bush computer search.

The Review Board provided CIA with a copy of an FBI document, dated November 29, 1963, prepared under the name of John Edgar Hoover, which states: "The substance of the foregoing information [on the assassination of President Kennedy] was orally furnished to Mr. George Bush of the Central Intelligence Agency . . . ." We have been informed that the DO has no record of a "George Bush" being in the employ of CIA in 1963 with the exception of Mr. George William Bush who has already given a sworn affidavit that he is not the

"George Bush" in question. CIA is now checking whether the search query included George Herbert Walker Bush prior to 1970. CIA should determine whether George Herbert Walker Bush is the person to whom the memorandum refers and should provide a definitive statement regarding the scope of its search and the basis of its conclusion.

CIA-IR-10 IG Reports.

CIA will determine whether the IG's office maintains an index or inventory of its reports and determine whether the IG's office prepared a report on the handling of Oswald.

CIA-IR-11 Warren Commission critics.

We are asking that CIA determine whether it possesses any files or records on Warren Commission critics Edward J. Epstein, Josiah Thompson, Mark Lane, Harold Weisberg, or Sylvia Meagher. The Review Board is not requesting information *per se* regarding any FOIA requests by these individuals or any Public Affairs news clippings.[7]

CIA-IR-12 Contacts with journalists or publishing houses.

The Review Board seeks to determine to what extent, if any, CIA might have attempted to influence any journalists or publishers regarding public discussion of the assassination. This request, originally discussed in March 1997, was raised at the DO follow-up briefing on April 1, 1997. The DO had no response and no time frame for a response.

CIA-IR-13 Office or person dealing with organized crime and Cuba.

The Review Board requested that CIA make a particular personnel file available. The file was made available by CIA for review. The Review Board will discuss with you whether any further steps need to be taken.

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[7]To the extent that CIA possesses FOIA files or records on any of these individuals, and to the extent that those records contain information that was not filed with the courts, such records ***are being requested for review by the Review Board.***

CIA-IR-14 Breckinridge files.

CIA (OGC) will determine the disposition of the files of Scott D. Breckinridge.

**CIA-IR-15 Electronic "take" from Mexico City Station.

The Review Board has for some time been attempting to determine whether it has had access to all of CIA's surveillance "take" from the Cuban and Soviet facilities in Mexico City at the time of the Oswald visit and in the immediate wake of the assassination. On numerous occasions, the Review Board has asked whether there was any surveillance take in addition to what is currently in the collection.

On March 18, 1997, the Review Board provided additional leads to CIA to assist it in answering these questions. The DO has agreed to check Headquarters records for the file referenced in HMMW 12454, to search for the crypts cited in this document, and to search for HMMA 20307 and other cables or dispatches cited in this document. The DS&T will query its offices for possible records on Mexico City and Cuba and for the present location of Staff D records. Regardless of the outcome of these particular searches, the Review Board continues to seek a full accounting for all surveillance conducted during the relevant time periods.

CIA-IR-16 U-2 files.

DS&T will provide a folder title print out of U-2 materials for Review Board examination, check for records filed under Richard Bissell's name, and search for OSP files. DS&T has also contacted Lockheed for assistance.

CIA-IR-17 DS&T Records on Castro assassination plots.

HRG will furnish the 1967 IG Report to provide possible search query suggestions for DS&T follow-up.

CIA-IR-18 DO Office.

The Review Board has requested orally information about a particular DO office. We understand that you are collecting the relevant information.

CIA-IR-19 Computer searches.

The Review Board has requested that full computer searches be conducted on all of the following people and organizations. The results of the searches should be documented.

Name	Results/Comments
1. Spas Raikin	ARRB awaits documentation.
2. Leo Cherne	ARRB awaits documentation. OP file starts in 1988. HRG is checking on a 201. No OMS file.
3. Hunter Leake	ARRB awaits documentation. HRG is checking for a DCD file.
4. Marilyn Dutz Murret	ARRB awaits documentation.
5. John McVickar	ARRB awaits documentation. No OP file. No OMS file. DO is checking.
6. Andy Anderson	ARRB awaits documentation.
7. Byron B. Morton, Jr.	ARRB awaits documentation. No OP file. No OMS file.
8. Marie Cheatham	ARRB awaits documentation. No OP file. No OMS file.
9. Paul Garbler	ARRB awaits documentation. OP file. OMS file. HRG has requested personnel file.
10. Verna Deane Brown	ARRB awaits documentation. No OP file.
** 11. George Stanley Brown	ARRB awaits documentation.
12. Howard Guebler	ARRB awaits documentation. HRG will check for files.
13. Gordon Duane Novel	ARRB awaits documentation. HRG will check for files.
14. Ed Butler	ARRB awaits documentation. HRG will check for files.
15. INCA (Information Council of the Americas)	ARRB awaits documentation. HRG will check for files.
16. Permindex	ARRB awaits documentation. HRG will check for files.

Mr. J. Barry Harrelson
April 16, 1997
Page 12

Conclusion

Please let me know if you have any supplements or corrections. We would very much like to ensure that these matters are handled expeditiously. As always, we appreciate your cooperation and assistance.

Sincerely,

T. Jeremy Gunn
General Counsel and
Associate Director for Research and Analysis

cc: Linda Cipriani, Esq.

8 October 1997

JFK Records Review Project

(U) The following is intended as a guide for those people whose work requires them to review Agency documents and materials that may be subject to the President John F. Kennedy Assassination Records Collection Act of 1992. Some of the records within the Agency's JFK collection are assassination specific, others are ancillary. They deal with individuals and events not directly linked with Oswald or the assassination; but they are thought to have had a relationship to the assassination, or investigation into the assassination.

I. The Agency's JFK Collection.

(U) The Agency's JFK records collection is made up primarily of records pulled together for the Warren Commission and House Select Committee on Assassinations (HSCA). There were eighty-one (81) Records Center-sized boxes in the original collection. Of these, the first seventeen (17) made up the Oswald 201 file. The next sixty-four (64) are referred to as the "JFK files" or sequestered collection and break down as follows: thirty-four (34) boxes of DO materials; nine (9) boxes of Office of Security files; fifteen (15) boxes of OLC materials; two (2) boxes each of OGC and IG materials; and one (1) box of DDS&T documents. HSCA originated material, including notes by HSCA staff members, are found throughout the collection. Box 64 contains seventy two (72) reels of microfilm.

(U) The microfilm contains copies of complete files to which the HSCA had access during its investigation. In addition to the Oswald 201 file (12 reels), the microfilm includes: 201 files on Cubans, Americans, and Soviets linked to Oswald, the JFK assassination or the various investigations (approximately 26 reels)and the Cuban Revolutionary Council and other exile group activities (approximately 13 reels); the personnel files of CIA staff employees (approximately 5 reels); and operational files on organizations, projects, and other subjects of interest to the HSCA investigation (approximately 16 reels).

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(U) We continue to identify other collections of documents that properly belong within the JFK collection. These include: The Oswald Security File; Agency working files generated by JFK assassination investigations and requests; and CIA documents found by other agencies and Presidential Libraries and referred to CIA for review under the JFK Act.

II. The Time Frame of JFK Assassination Records.

(U) In general, the time frame of JFK records commences when Oswald arrived at the US air base (the U-2) at Atsugi, Japan, in December 1957 and continues through the end of the Garrison investigation in 1968. Note, however, for information which is clearly related to the story of the JFK assassination or its investigations, there is no time frame limitation. Any document or request that deals with the assassination, Lee Harvey Oswald, or the various conspiracy theories should be referred to the HRG/JFK review project.

III. Key Topics, Etc.

(U) Certain individuals, organizations, places, projects, and subjects are central to the Oswald/JFK story and the ensuing investigations, which causes a number of documents with no mention of Oswald or the assassination to fall within the purview of the JFK Act. Clearly, it is not possible to list every category of document which may have been reviewed and released under the JFK Assassination Records Act. The following categories contain examples of information that are considered to be within the JFK review.

(U) A. JFK Assassination Investigations:

- -- Warren Commission, 1963-64
- -- James Garrison, New Orleans DA, 1966-68
- -- Rockefeller Commission,* 1975;
- -- Church Committee (Senate),* 1975-76
- -- House Select Committee on Assassinations (HSCA), 1976-79

* JFK Assassination, anti-Castro plots and CIA anti-Cuban operations only.

B. Key subjects

(S) -- Moscow Station, Mexico City Station, JMWAVE Station, and CIA stations in those cities through which Oswald passed on his way to and from the Soviet Union, as they related to Oswald's activities or to possible conspiracies.

(AIUO) -- CIA anti-Cuban operations 1960-64 (Mongoose, etc.) if they involve JFK figures (see comment on Meagher's "index" below); most US anti-Castro activities in 1963 are considered relevant.

(U) -- Cuban exile anti-Castro activities, leaders and organizations, 1960-64, if they involve JFK figures.
-- Castro assassination activities (plans and attempts); no limit on time frame.
-- Mafia, if related to Castro, JFK, or New Orleans during Oswald time frames (see attached chronology).

(AIUO) C. Key figures
(the following individuals are considered JFK assassination-related, unless the context is clearly unrelated or outside the appropriate time period)

-- AMMUG, Cuban defector;
-- Maurice Bishop, alleged to exist (any reference);
-- Silvia Duran, employee in Cuban Embassy, Mexico City;
-- Richard Gibson and the Free Cuba Committee;
-- Howard Hunt, CIA employee;
-- Priscilla MacMillan Johnson, journalist;
-- Valeriy Kostikov, KGB officer in Mexico city;
-- Mr. & Mrs. George de Mohrenschildt (all documents)
-- Yuri Nosenko and the dispute over his bona fides;
-- Michael and Ruth Paine, Dallas friends of Oswalds;
-- David Phillips, CIA employee;
-- Richard Snyder, State Department Officer.
-- Winston Scott, COS Mexico City

For a more comprehensive list of subjects and individuals related to the JFK assassination, reviewers should consult Sylvia Meagher's Master Index to the JFK Assassination Investigations, The Scarecrow Press, 1980.

(U) Action Officer: Barry Harrelson (31825)

Attachment: Oswald Chronology

(U) Attachment:

Oswald Chronology, 1956-1963

--Joins Marines	10/26/56
--Arrives Atsugi (U2 Base) Japan	09/12/57
--Returns to US	11/02/58
--Hardship discharge	09/11/59
--Departs New Orleans for Moscow via LeHavre, London, Helsinki	09/20/59
--Arrives Moscow	10/16/59
--Resides in Minsk	01/07/60 - 05/22/62
--Departs Moscow via train	06/02/62
--Departs Rotterdam via ship	06/04/62
--Arrives New York	06/13/62
--Fort Worth/Dallas, Texas	06/14/62 - 04/63
--New Orleans	04/63 - 09/63
--Mexico City	09/25/63 - 10/03/63
--Dallas	10/3/63 - 11/24/63

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DRAFT

October 16, 1997

HAND-DELIVERED

J. Barry Harrelson
Senior Review Officer
Historical Review Group
Center for the Study of Intelligence
Central Intelligence Agency
Washington, D.C. 02505

Re: Submission of CIA's Initial Statement of Compliance Under the JFK Assassination Records Collection Act, 44 U.S.C. § 2107

Dear Barry:

In connection with the work of the CIA to locate and release records relating to President Kennedy's assassination pursuant to the President John F. Kennedy Assassination Records Collection Act of 1992 ("JFK Act"), please submit to the Review Board the CIA's initial formal report regarding its work.

As you know, the procedures for documenting the CIA's compliance with the JFK Act were set forth in the Review Board's November 27, 1996 letter to the CIA Director. These procedures entailed the submission of an intial report by the CIA, which we referred to as an Initial Statement of Compliance. This past Spring, we informally agreed to extend the time for submission of the Initial Compliance Statement pending ongoing work of the CIA under the JFK Act.

To facilitate the completion of the CIA's work by September 1998, including the submission to Congress of a final report detailing the work accomplished by the CIA and other Federal agencies under the JFK Act, please submit the CIA's Initial Compliance Statement to the Review Board no later than November 6, 1997.

Thank you for your cooperation.

Sincerely,

T. Jeremy Gunn
Executive Director
and General Counsel

cc: Linda Cipriani, Esq.

13-00000

DRAFT

Assassination Records Review Board
600 E Street NW • 2nd Floor • Washington, DC 20530
(202) 724-0088 • Fax: (202) 724-0457

CIA HAS NO OBJECTION TO DECLASSIFICATION AND/OR RELEASE OF CIA INFORMATION IN THIS DOCUMENT

October 17, 1997

Mr. John Pereira
Director
Historical Review Group
Center for the Study of Intelligence
Central Intelligence Agency
Washington, DC 20505

Re: <u>Completion of Review of Assassination Records</u>

Dear John:

The Assassination Records Review Board ("Review Board") has less than one year to complete its statutory responsibility of ensuring that all Federal records related to the assassination of President Kennedy are made publicly available at the National Archives and Records Administration ("NARA"). Because of the importance to the Review Board of completing the review and release of Central Intelligence Agency records, I am taking this opportunity to raise with you some of our concerns and to describe our goals.

Let me first reiterate our deep appreciation for the cooperation that we have received thus far from the Agency. We are very mindful of the enormous amount of work that has been accomplished thus far. We very much hope to be able to report, at the completion of our work, that the Agency has fully complied with the letter and spirit of the JFK Act and that the Review Board is confident that all CIA assassination records have been fully processed and transferred to the National Archives. Unfortunately, it is clear at this point that the pace of review of CIA records will need to increase significantly during this final year so that the Review Board and the CIA will be able to complete our responsibilities and that the Review Board can issue the type of report that we all ideally envision.

It is our goal to have all CIA assassination records reviewed and transferred to NARA by September 1, 1998. By "all" assassination records, I include the unredacted originals as well as copies containing Board-approved postponements. (I am excluding, therefore, duplicates of those records that have been transferred to NARA.) The Review Board is prepared to take all necessary steps within its statutory authority to ensure that this work is accomplished.

The Review Board has promised Congress that this work will be completed by September 1998. The Review Board also is obligated to keep Congress informed, on a monthly basis, of the steps it has taken to ensure completion of this goal. We now need to keep Congress informed of any difficulties that we are facing in the course of completing this work.

As you know, the JFK Act in many ways imposed difficult obligations. For example, it required the CIA (and other agencies) to complete its review and transfer of records to NARA within 300 days of the time the statute was enacted in 1993. Although this statutory deadline was not met, we would like to make it as clear as we possibly can that we intend to ensure that the goal to review and transfer all assassination records to NARA is accomplished during the lifetime of the Review Board.

We have raised with you previously our concerns about whether the Agency has allocated sufficient resources to complete its work on its assassination records by September 1, 1998. In a meeting at CIA headquarters on October 16, 1996, CIA Executive Director Nora Slatkin promised members of the Review Board that the CIA would devote whatever resources are necessary to complete the task.

In order to ensure that this work is completed, the Review Board has developed a timetable for review of remaining CIA records. The CIA's Historical Review Group suggests that refinement of the timetable is necessary, but has of yet offered no specific changes.

In order to fulfill our responsibilities under the JFK Act and in order to honor our pledge to Congress, we believe that the following steps are necessary:

> *First*, we need to establish a reasonable but strict schedule for the CIA's review and release of records. The CIA must devote all of the resources necessary to review the records under this schedule. We believe that the only way to ensure that the CIA's work is completed is to adhere to such a schedule.
>
> *Second*, if the CIA has not completed its scheduled review by the proposed deadline, the Review Board will require that all CIA records identified as assassination records under the JFK Act be transferred forthwith to the National Archives regardless of whether they have been reviewed or processed by the CIA pursuant to the Board's authority at 44 U.S.C. § 2107.7(j)(B).

Third, the Board will presumptively vote to open in full all records that have not been reviewed in conformity with the schedule.

We can assure you that we have no desire whatsoever to take steps two and three. However, at this point, we see no other method for satisfying our obligation to ensure that the CIA's assassination-related records are released by September 1998, unless the CIA agrees to schedule the review in a timely, consistent, methodical, and enforceable manner. Although you should not hesitate to contact us regarding any ideas you have for streamlining or improving the accomplishment of this task, there should be no misunderstanding by the Agency regarding what we believe our goal to be and the steps that we are prepared to take to ensure the fulfillment of our statutory obligations and our promises to Congress. It is our perception that if the Agency allocates additional resources to the accomplishment of this project, we all will be able to accomplish the goals of the JFK Act.

We therefore strongly urge the Agency to allocate now whatever resources are necessary to complete its review records in an orderly and systematic manner. To the extent that the Agency is able to meet the necessary deadlines, there will be no need for us to resort to the extreme -- but potentially necessary – measures to complete our obligations to Congress and the American people.

Sincerely,

T. Jeremy Gunn
Executive Director

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Assassination Records Review Board
600 E Street NW • 2nd Floor • Washington, DC 20530
(202) 724-0088 • Fax: (202) 724-0457

CIA HAS NO OBJECTION TO DECLASSIFICATION AND/OR RELEASE OF THIS DOCUMENT AS SANITIZED

October 30, 1997

VIA FACSIMILE

J. Barry Harrelson
Senior Review Officer
Historical Review Group
Center for the Study of Intelligence
Central Intelligence Agency
Washington, D.C. 02505

Re: Submission of CIA's Initial Statement of Compliance Under the JFK Assassination Records Collection Act, 44 U.S.C. § 2107

Dear Mr. Harrelson:

I have been asked by Jeremy Gunn to take responsibility, along with Robert Skwirot and Michelle Combs, for handling the Review Board's JFK Act Compliance Program with respect to the Central Intelligence Agency.

Mr. Gunn has informed me that you have agreed to provide us with the CIA's initial compliance statement (as it is described in our November 27, 1996 letter to the CIA) by the end of November 1997. Thereafter, we can establish a reasonable time for the CIA to prepare and submit its Final Declaration of Compliance. The CIA's Final Declaration will be submitted to Congress and the President.

Thank you for your cooperation.

Sincerely,

Ronald G. Haron

Ronald G. Haron
Associate General Counsel

cc: Linda Cipriani, Esq.

13-00000

Assassination Records Review Board
600 E Street NW • 2nd Floor • Washington, DC 20530
(202) 724-0088 • Fax: (202) 724-0457

CIA HAS NO OBJECTION TO DECLASSIFICATION AND/OR RELEASE OF THIS DOCUMENT AS SANITIZED

February 11, 1998

VIA FACSIMILE

Mr. J. Barry Harrelson
Senior Review Officer
Historical Review Group
Center for the Study of Intelligence
Central Intelligence Agency
Washington, D.C. 02505

Re: CIA Initial Compliance Statement To Be Submitted Under the JFK Assassination Records Collection Act, 44 U.S.C. § 2107

Dear Mr. Harrelson:

Thank you for submitting to the Review Board the CIA's December 11, 1997 DRAFT of its initial Statement of Compliance under the President John F. Kennedy Assassination Records Collection Act ("JFK Act"). You submitted the draft to obtain the Review Board's initial comments. We have made a preliminary review of the draft and offer the following comments.

The Statement is helpful in providing general background history regarding the measures undertaken by the CIA to assemble files relating to the assassination of President Kennedy. The Statement also gives a good overview description of those files. At this time, we do not propose that you make any major changes that would delay the formal submission of the initial Compliance Statement to the Review Board.[1]

[1] We note that the initial draft statement generally describes the records identified in response to specific Review Board requests. For the initial Compliance Statement, this will be sufficient. To the extent that additional records are later identified or requests completed, these can be included in the Final Declaration of Compliance. We also note that "[t]he status, results and documentation of specific [Review Board] requests" are more specifically being addressed in separate memoranda being submitted to the Review Board, and this process is ongoing. These responses are extremely helpful in articulating what the CIA has done to search for records on the JFK assassination. Therefore, the Review Board will request that these detailed responses ultimately be incorporated by reference into the Final Declaration of Compliance.

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Therefore, please submit the CIA's official initial Statement of Compliance to the Review Board as soon as possible, but no later than March 16, 1998.

After formal submission of the CIA's initial Statement of Compliance, we would schedule an informal interview with you (and perhaps other members of the Historical Review Group) to ask questions regarding the Compliance Statement and regarding the sufficiency of the CIA's record searches. After addressing any outstanding issues, the CIA would thereafter submit its Final Declaration of Compliance.

I recognize that you are extremely busy processing CIA records for inclusion in the JFK Collection. However, it is essential that the CIA devote sufficient time and attention to its Final Declaration of Compliance because, as we have stated before, the Final Declaration will constitute the CIA's representation to the American public, under oath, that the CIA has diligently searched for records relating to the JFK assassination and that the CIA is not withholding any materials regarding the assassination.

Sincerely,

Ronald G. Haron

Ronald G. Haron
Associate General Counsel

cc: Linda Cipriani, Esq.
(By facsimile)

13-00000

2/13/98

BEFORE
THE ASSASSINATION RECORDS REVIEW BOARD
WASHINGTON, D.C.

CIA SPECIAL COLLECTIONS
RELEASE IN FULL
2000

DECLARATION OF BRIAN LATELL

I, Brian Latell, do hereby declare and say:

1. I presently serve as the Director of the Center for the Study of Intelligence (``CSI'') for the United States Central Intelligence Agency (``CIA or ``Agency'') and have held this position since September 1994. I also hold the position of Chairman of the Editorial Board (``Board'') for *Studies in Intelligence* (*Studies*), a publication of CSI. I have served as a foreign intelligence officer for the United States Government for over 36 years and, at CIA, I have held a variety of senior positions of management and analytical responsibility including serving as a member of the National Intelligence Council for 14 years and National Intelligence Officer (NIO) for Latin America for four of those years. I hold a doctorate, masters and undergraduate degree from Georgetown University, have served as a Visiting Scholar at the Hoover Institution at Stanford University, and presently hold an appointment to Georgetown University's School of Foreign Service as an Adjunct Professor.

2. The purpose of this declaration is to provide the Assassination Records Review Board with my view of the status of *Studies* as a classified publication available within the Intelligence Community and as an unclassified publication available to the public. I make the following statements based upon my personal knowledge, information made available to me in my official capacity, and the conclusions I reached in accordance therewith.

3. *Studies* is an independent, scholastic endeavor with the mission to promote scholarship in intelligence literature. Articles submitted to *Studies* are intended for educational purposes only and present solely the personal, academic views of the individual authors. The final responsibility for accepting or rejecting an article rests with the Board. Its criterion for publication is whether the article makes a contribution to the literature of intelligence. Articles submitted to *Studies* are not required to be coordinated through channels and, indeed, are not vetted through management by either the Board or the author. In addition to senior Agency officers, the Board also has membership representing other agencies of the Intelligence Community.

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4. In the beginning of *Studies*, articles were primarily written by CIA authors. In the past decade, however, *Studies* has been enriched by an increasing number of contributions from authors from other components of the Intelligence Community, from members of the academic world in the United States and abroad, and from a few private citizens, most of whom have had some past intelligence connection. The Board welcomes this trend and looks forward to increasing contributions from non-Agency authors.

5. Once an article is submitted for consideration in *Studies* it is circulated to the members of the Board for their review. The Board then decides whether an article meets the criteria for publication and, if it does, begins the publication process. All unclassified submissions are reviewed by the Publications Review Board (PRB)[1] to ensure the unclassified nature of the article. The articles are edited, approved by the Chief of CSI, and published in the classified version of *Studies*. Most of the unclassified articles published in this version are then picked up by the unclassified version of *Studies* and with further slight editing are published. If an article has been deemed to contain classified information by its author, and it is subsequently requested to be released, it will be reviewed

[1] PRB is the same body that reviews private writings proposed for publication by current and former Agency employees as required under Agency regulation.

by either the History Staff, the Historical Review Program, or more recently by the Publications Review Board -- pursuant to the personal manuscript standards -- to allow declassification or the creation of an unclassified version. By deeming or marking a given article as classified, we represent only that this personal writing contains some information of a proprietary (hence classified) nature to the US Government; that fact does not alter the nature of this private work or convert it into an official federal record containing official government information.

6. The independence and integrity of the Board, and its historical commitment to academic traditions, has never been questioned by Agency management. I, as well as several of my predecessors, can recall no cases of interference by Agency management with the publication decisions of the Board, no matter how sensitive the subject matter or critical of the Agency. Indeed, it is the antithesis of official information and the embodiment of personal, academic scholarship and work. The very intent is academic in the context of educational mentoring from one individual to those in succeeding generations. The Agency teaches through its institutional and official course materials; individual intelligence officers teach personally through *Studies*.

7. For the foregoing reasons, I believe that, while ``*Studies in Intelligence*'' is published under the auspices of the United States Government, it is neither an expression of official information nor an official release of official Executive Branch information, but rather a forum for the private academic expressions of the authors.

8. Executed this 13th day of February 1998 at Fairfax County, Virginia.

BRIAN LATELL

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12 february 1998

draft by marty; revisions by lss

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Central Intelligence Agency

Washington, D.C. 20505

CLASSIFIED ATTACHMENT

19 March 1998

CIA SPECIAL COLLECTIONS
RELEASE AS SANITIZED

Mr. T. Jeremy Gunn
Executive Director
Assassination Records Review Board
600 E Street, N.W.
Washington, D.C. 20530

Dear Mr. Gunn:

Re: STATEMENT CONCERNING ACTIONS TAKEN BY THE CENTRAL INTELLIGENCE AGENCY PURSUANT TO THE REQUIREMENTS OF THE JFK ASSASSINATION RECORDS COLLECTION ACT OF 1992

The following is a listing of the principal measures taken to date by the Agency to fulfill the requirements of the JFK Assassination Records Collection Act of 1992 (the Act). Note: it does not include the numerous informal meetings, conversations, and exchanges between ARRB and HRP staff members, many of which covered all of the measures.

INITIAL SEARCHES

a. In early 1992, even before the Act was passed, the Chief of the CIA History Staff reported to the Director that the staff had located all of the so-called "sequestered collection" (those records compiled by the Agency for the House Select Committee On Assassinations investigation) and had surveyed these and other related holdings on the assassination both at Headquarters and at the Agency records center. The sequestered collection contained sixty-four record center-size boxes. In addition, the staff had located sixteen boxes of Lee Oswald's 201 file and a number of loose folders mainly from Mexico Station records that were collected for the Warren Commission.

b. Before the ARRB was appointed by the President, John Pereira, Chief, Historical Review Group/Center for the Study of Intelligence, sent a memorandum dated 25 October 1993 to the Agency directorates requesting a name search on Lee Harvey Oswald, the JFK assassination, and any documents related to the assassination. This effort and discussions with various Agency components and Agency Information Release Officers over the past four years resulted in more

than 31 additional boxes of materials being sent for review. Included within this material were 19 boxes of JFK working files based on the sequestered collection, two boxes on Nosenko, seven boxes of LA Division documents and three boxes from the Bay of Pigs period. Not all of this material is related to the JFK story; and in some boxes only a few folders had anything to do with the assassination or events surrounding it. To date, the ARRB staff has designated approximately 22 boxes of this material as assassination records. In addition, about 400 pages of material from an FOIA request for minutes of the DCI's morning meetings which related to JFK were added to the collection. The search for documents is a continuing effort. Guidelines for this effort have been sent to Agency individuals and components which review documents and materials in the course of their work.

REVIEWS

c. Historical Review Group, now the Historical Review Program, reviewed boxes 1 through 63 of the sequestered collection and the Oswald 201 file and released most of the documents therein either in full or in sanitized form to the National Archives in August 1993. The total number of pages released by CIA prior to or during August 1993 was approximately 123,000. An additional release of approximately 30,000 pages of HSCA material from the sequestered collection was made in 1995.

d. Box 64 of the sequestered collection contained 72 reels of microfilm primarily dealing with Directorate of Operations materials and Office of Security files. In addition there were 22 reels of 201 files on 151 individuals. Following release of the main collection in August 1993, HRG staff members reviewed the microfilm files and released approximately 74,000 pages of material to the National Archives either in full or in sanitized form.

e. The status of HRP's review of additional records and re-review of the sequestered collection will be addressed in regular progress reports to the ARRB staff.

REQUESTS FOR ADDITIONAL RECORDS AND INFORMATION

f. The Agency maintains a rather unique and non-integrated files system which precludes a single query on a particular subject and the expected response from the files

Mr. T. Jeremy Gunn

of all directorates. Following coordination with the ARRB staff, the Agency arranged for the staff to be briefed by a representative of each directorate concerning the nature of the files within the directorate -- how they are organized, maintained, searched, and how they have been searched previously for assassination-related materials. Following this effort, the ARRB staff asked for a number of additional searches by the Agency and they are in various stages of completion.

g. In addition, pursuant to requests both formal and informal from the ARRB staff, HRP has tasked various elements of the Agency to conduct special searches for other materials thought to be relevant to the assassination story. Included in this category was the Oswald security file which was found and has been examined by the ARRB staff. Although a number of the requests are still outstanding, considerable material has been provided for review by the ARRB staff some of which has been found to be relevant. These materials include the History Staff's histories on various CIA operations and Agency components; files on specific individuals involved in either the Warren Commission or HSCA investigations; and the product of CIA internal reviews of programs and operations. Those parts of these materials which are determined by the ARRB staff to have relevancy to the assassination story will be reviewed by HRP and released as completed.

The status, results, and documentation of specific requests are to be addressed in a separate memorandum.

Sincerely,

J. Barry Harrelson
JFK Project Officer

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Assassination Records Review Board
600 E Street NW • 2nd Floor • Washington, DC 20530
(202) 724-0088 • Fax: (202) 724-0457

July 7, 1998

CIA HAS NO OBJECTION TO
DECLASSIFICATION AND/OR
RELEASE OF CIA INFORMATION
IN THIS DOCUMENT

HAND DELIVERY

Mr. J. Barry Harrelson
Chief, JFK Project
Historical Review Program
Office of Information Management
Central Intelligence Agency
Washington, D.C. 20505

Re: Final Search for all Original CIA Records Related to the Assassination of President John F. Kennedy

Dear Barry:

This letter is in follow-up to our meeting of June 26, 1998, where we discussed the comprehensiveness of CIA's search for assassination records. As we expressed in the meeting, the Assassination Records Review Board is extremely concerned as to whether all original records held by the Central Intelligence Agency, particularly those controlled by the Directorate of Operations, have been identified in previous searches for records relevant to the assassination of President John F. Kennedy.

The Review Board is aware that the former Chief of the Historical Review Group, John Pereira, ordered a search of all CIA records in 1993. Since that date, however, we have identified at least three examples of records clearly relevant to the assassination that have been identified through the efforts of the Review Board staff and that were subsequently located by CIA. These records were not identified through the 1993 CIA search.

In order to comply with the strictures of the JFK Act and to ensure that all original CIA records relevant to the assassination are identified, the Review Board requests the following:

1. CIA conduct a new search of all Office of Security and Directorate of Operations (including all counterintelligence components), for any documents relevant to the assassination. Particular care should be taken to examine possibly relevant documents dated shortly before and any time after the 1993 search.

2. CIA Director George Tenet send a directive to all CIA personnel that explictly requires all offices to search their files and notify the Historical Review Program immediately if they have any records that might possibly be considered relevant to the assassination—including any records created after 1992.

3. CIA arrange for a meeting between the Review Board staff and appropriate CIA officials to discuss CIC and other counterintelligence records.

4. CIA conduct a search for updated or continued records on individuals, from a list of names to be provided by the Review Board, of subjects who were of interest to the House Select Committee on Assassinations. We are particularly interested in any records that CIA acquired on these subjects since the original files were sequestered in 1978. A list will be provided to you shortly.

The Review Board appreciates your cooperation and assistance in resolving these issues. As time is growing short, we would like very much to ensure that these matters are handled expeditiously.

Sincerely,

T. Jeremy Gunn
Executive Director

cc: Assassination Records Review Board
Mr. James Oliver
Lee Strickland, Esq.

Assassination Records Review Board
600 E Street NW • 2nd Floor • Washington, DC 20530
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July 15, 1998

VIA FACSIMILE AND U.S. MAIL

Robert M. McNamara, Jr., Esq.
General Counsel
Central Intelligence Agency
Washington, D.C. 20505

Re: CIA Compliance With the JFK Assassination Records Collection Act of 1992

Dear Mr. McNamara:

I am writing to address the completion of CIA's outstanding obligations under the President John F. Kennedy Assassination Records Collection Act of 1992, 44 U.S.C. § 2107 ("JFK Act"), including submission by CIA of a Final Declaration of Compliance certifying, under the Act, its work to identify and release records relating to President Kennedy's assassination. As we have advised CIA previously, the Final Declaration will constitute CIA's representations, under penalty of perjury, regarding disclosure of its records relating to the Kennedy assassination.

Accordingly, set forth below is our understanding of (1) the status for completion of CIA's work under the JFK Act and (2) the form and content of CIA's Final Declaration.

A. Completion of CIA's Work Under the JFK Act

1. Processing of CIA Assassination Records by September 1998

We confirmed with CIA that it intends to place into the JFK Assassination Records Collection ("JFK Collection") at the National Archives and Records Administration ("NARA"), by September 1998, all identified assassination records except certain documents confirmed by the Review Board staff as being duplicates, which may be processed later.[1] Thus, CIA commits to placing the following assassination records into the JFK Collection by September 30, 1998:

[1] In addition, some peripheral documents may be processed after September 1998, but only if identified beforehand to, and approved by, the Review Board.

- Non-duplicate documents within the hardcopy set of the CIA-House Select Committee on Assassinations ("HSCA") Sequestered Collection (*i.e*, CIA files that were reviewed by the HSCA for its investigation of the JFK assassination and which were sequestered pursuant to agreement of the CIA and HSCA).[2]

- Non-duplicate documents within the microfilm version of the CIA-HSCA Sequestered Collection (the microfilm version is a more expansive set of records than the hardcopy set of the CIA-HSCA Sequestered Collection in that it contains complete underlying files, not just the specific records reviewed by the HSCA).[3]

- Lee Harvey Oswald's 201 File. CIA has placed this file into the JFK Collection.[4] As for the microfilm copy of the Oswald 201 file (which we assume duplicates the original Oswald 201 file processed by the CIA), we request that it be placed in the protected portion of the JFK Collection by September 1998 (after Review Board examination). Certain recently discovered documents relating to Oswald also must be added to the JFK Collection.

- Lee Harvey Oswald's Office of Security File. CIA has placed this file into the JFK Collection.

- Marina Oswald's 201 File. While Marina Oswald's 201 file has been processed for the JFK Collection (as part of the CIA-HSCA Sequestered Collection), we request that the original file be transferred to the protected portion of the JFK

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[2] As CIA has reported, the hard copy and microfilm versions of the CIA-HSCA Sequestered Collection were first placed into the JFK Collection in 1993 and 1994. *See* CIA Initial Statement of Compliance (dated March 19, 1998), at 2. Documents from those collections are being re-processed, however, to the extent that the Review Board has mandated that such documents be opened up to a greater extent.

[3] NARA reports that it does not have the computerized version of the record identification forms ("RIFs") for documents in the microfilm Sequestered Collection. CIA explained that it must first complete the processing of non-duplicates and update the computer data before that data is transferred to NARA. CIA anticipates that this will be done sometime after October 1998.

[4] However, NARA reports that many documents do not have the proper RIFs attached. CIA will coordinate with NARA to correct this.

Collection by September 1998.

- Non-duplicate documents within Kennedy assassination working files of CIA officer Russ Holmes (19 boxes).
- Non-duplicate documents selected from 7 boxes of Latin American Division working files.
- CIA organizational materials, including the JMWAVE organizational chart specifically designated as an assassination record by the Review Board [CIA-1].[5]
- Excerpts of certain CIA histories designated by the Review Board [CIA-7].
- Excerpts of CIA's "Family Jewels" memorandum [CIA-IR-08].[6]
- Excerpts of a CIA personnel file that relate to organized crime/Cuba [CIA-IR-13].
- Excerpts of the personnel file of Mr. George E. Joannides, the case officer responsible for the Directorio Revolucionario Estudiantil (DRE) during a period in the early 1960's [CIA-IR-21].
- CIA "A" files for Clay Shaw and Jim Garrison [CIA-IR-22].
- Designated Watch Committee Reports [CIA-IR-23].
- Oswald-related documents from the a general defector file maintained by the CIA's Office of Security [CIA-IR-24].
- Certain records from the files of former CIA Director John McCone as designated by the Review Board [CIA-IR-28].

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[5] "CIA-1" reflects that these assassination-related materials were identified by the Review Board from among materials that CIA provided in response to a formal, written request (numbered 1) from the Review Board.

[6] "CIA-IR-08" reflects that these assassination-related materials were identified by the Review Board from among materials that CIA provided in response to an informal request (numbered 8) from the Review Board.

- Designated records from security files of Jack Ruby, Walter Sheridan, Harold Weisberg, Richard Case Nagel, and Gordon Novel [CIA-IR-27].

- Excerpts from the calendar of former CIA Director Allen Dulles [CIA-IR-31].

In addition to the assassination records identified above, the Review Board currently is inspecting additional files CIA has made available in response to Review Board requests. We may designate additional assassination records from these files. They are: intelligence community reports on Cuba/Soviet Union [CIA-9]; files relating to CIA officials stationed at JMWAVE [CIA-12]; and files of various high-level CIA officials (former Deputy CIA Directors Charles Cabell and Marshall Carter, former Deputy Directors for Plans Richard Bissell and Richard Helms, former General Counsel Lawrence Houston, C. Tracy Barnes, and William Harvey) [CIA-IR-34]. Additional assassination records may be identified from other requests for additional information.

2. Mexico City Tapes [CIA-IR-15]

We also have discussed with CIA the potential processing of recordings maintained by CIA and apparently reflecting audio surveillance of certain "Soviet bloc" and Cuban facilities in Mexico City for the period November 22, 1963 through early January 1964, including possible surveillance of the Cuban consulate in Mexico City. Because CIA has not yet listened to the full tapes, it could not yet confirm the targets or substance of this "electronic take." CIA has committed to listening first to the tapes for the period November 22-23, 1963 (approximately 18 tapes), and thereafter will discuss with the Review Board potential placement of these and later audio recordings into the JFK Collection. CIA said it will complete its review of the November 22-23 tapes in July.

3. Processing of Duplicate Documents under the JFK Act

a. The CIA-HSCA Sequestered Collection. Although a version of the CIA-HSCA Sequestered Collection (both microfilm and hardcopy) were placed in the JFK Collection in 1993 and 1994, the CIA has since been forwarding more open versions of certain documents in light of Review Board decisions. All such "re-processed" documents will be placed in the JFK Collection by September 1998 except that, to the extent that there are other duplicate copies of these re-processed documents in the Sequestered Collection, such duplicates will be re-processed and placed into the JFK Collection within one year after the Review Board terminates (*i.e.*, by September 1999).

b. Russ Holmes Collection. The CIA currently has not placed the Russ Holmes

Collection (consisting of CIA officer Russ Holmes' working files relating to the Kennedy assassination) into the JFK Collection. The Review Board recognizes that many documents within the Holmes files may be duplicates of CIA documents found in the CIA-HSCA Sequestered Collection or Oswald 201 file. Nonetheless, the Review Board considers placement of the Holmes files into the JFK Collection to be of paramount importance in view of the selection and organization of documents that was made by a CIA officer. Accordingly, the CIA has committed to placing into the JFK Collection, by September 1998, all documents from the Holmes files not found elsewhere in the CIA materials at NARA. Duplicates of documents found elsewhere in the open JFK Collection can be processed after September 1998.

Given the unique organization of the Russ Holmes files, however, the Review Board requests that CIA make every effort to process those files, in their entirety, as soon as possible. Our understanding is that CIA will attempt to place the complete set of Holmes files, including duplicates, into the JFK Collection by December 1998 but absolutely no later than September 1999.

4. <u>Custody of CIA Assassination Records to be Released in 2017</u>

We have discussed with CIA its concerns regarding physical custody of certain records whose release has been postponed, under the JFK Act, until 2017. CIA has indicated that it may want to retain physical custody of certain postponed records pending disclosure in 2017.

The Review Board believes that original, postponed records should presumptively be held by NARA in accordance with the JFK Act. *See* 44 U.S.C. § 2107(5)(e)(2) ("Each Government office shall . . . transmit to the Archivist . . . all assassination records the public disclosure of which has been postponed . . . to become part of [NARA's] protected Collection.") Accordingly, all postponed assassination records of the CIA should presumptively be transferred to the legal and physical custody of NARA by September 30, 1998. The Review Board requests that the originals of any postponed records from the Oswald 201 file, the Oswald Office of Security file, and the Marina Oswald 201 file be placed in the protected portion of the JFK Collection by September 1998. The Review Board understands that originals of postponed records from the CIA-HSCA Sequestered Collection and the Holmes Collection would be transferred in September 1999 after duplicates have been processed.

To the extent CIA believes that certain other records, particularly those designated as NBR, must remain in CIA's physical custody until 2017, we suggest further discussions

to resolve definitively how those record groups will be handled.

5. Completion of CIA Responses to Review Board Requests

We have identified certain Review Board requests for additional information (both formal and informal) for which responses are still due from CIA. We understand that some outstanding responses are in draft form or otherwise nearing completion. CIA's completion of all outstanding responses is an essential aspect of its compliance with the JFK Act. We identified the following responses due from CIA (certain priority items are listed first):

Priority Responses Due

Accounting of Pre-Assassination Files on Oswald (partial response received) [CIA-16]

Accounting of James Angleton Files [CIA-IR-04]

Accounting of Electronic "Take" from Mexico City [CIA-IR-15]

Possible Foreign Source for Oswald Records [CIA-IR-05]

Possible IG reports re Oswald [CIA-IR-10]

Files on Warren Commission Critics [CIA-IR-11]

S. Breckenridge Files [CIA-IR-14]

Other Responses Due

Intelligence Community Staff Records [CIA-8]

Interagency Source Register [CIA-10]

Computer Search for HTLINGUAL Documents [CIA-IR--03]

QKENCHANT [CIA-IR-06]

Contacts with Journalists [CIA-IR-12]

DO Office Information [CIA-IR-18]

Computer Name searches [CIA-IR-19]

Zapruder Film [CIA-IR-25]

AMWORLD [CIA-IR-32]

Search for document mentioned in RIF No. 104-10151-10206 [CIA-IR-35]

William Pawley Files [CIA-IR-37]

6. CIA Review and Declassification of Other Records

Besides CIA records, CIA is continuing to review its equities in other records, including Church Committee records and records from the Presidential libraries. In addition, the Review Board's interviews with former CIA official Ann Goodpasture must be reviewed and declassified by CIA so that the interviews can be sent to Ms. Goodpasture for her corrections and then included with the Review Board's open records.

Finally, the Library of Congress has a set of closed Rockefeller Commission records in its Manuscript Division that may require CIA review and declassification. It is our understanding that these records are closed until 2001 and can be inspected only by permission of the CIA Director. To assess what should be done regarding release of these records, the Review Board first seeks to inspect them. Accordingly, please authorize the Library's Manuscript Division to permit our inspection and let us know when this authorization has been granted.

B. CIA's Final Declaration of Compliance

CIA's Final Declaration of Compliance will constitute its public statement, under penalty of perjury, that (1) CIA has located and disclosed all records relating to Lee Harvey Oswald and the assassination of President Kennedy that it could identify through a diligent records search and (2) CIA is aware of no other assassination-related records being withheld from the public. We request that CIA submit its Final Declaration to the Review Board absolutely no later than September 1.

To demonstrate that CIA has disclosed all relevant materials, we make the following recommendations for CIA's Final Declaration of Compliance:

1. CIA Should Describe More Specifically its Searches for Assassination Records

We consider it essential that CIA describe with more specificity the searches that it conducted for records relating to Lee Harvey Oswald and to the JFK assassination, including searches done by CIA in the early 1990's. *See* CIA Initial Compl. Stmt., at 1. This is important particularly in light of the fact that CIA record keeping is apparently decentralized among various components of CIA. Therefore, we ask that the Final Declaration confirm that the relevant components of CIA -- the DCI and its offices, the CIA Directorates (Operations, Intelligence, Science & Technology, and Administration), and the CIA office responsible for maintaining CIA's archives -- in some manner inventoried their holdings for the relevant time period for records relating to Oswald or the assassination. To the extent that computer database searches were run by different components of CIA, please confirm that fact and, if possible, identify the names or topics searched.[7]

For its early 1990's searches, the CIA should attach the 1993 search request issued by the Historical Review Group ("HRG") and unclassified versions of memoranda from components of CIA that describe their searches or search results. In addition, we recently requested CIA to re-undertake its searches based on the discovery of certain assassination records that were not identified by CIA's earlier searches.[8] We specifically requested that CIA Director George Tenet issue a directive to all CIA offices requiring them to search their files for assassination records. *See* July 7, 1998 J. Gunn Letter to B. Harrelson. As part of its Final Declaration, we request that CIA document the steps it took in response to our recent request, including attaching the requested search directive from CIA Director Tenet.

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[7] We understand that most CIA records relating to the assassination of President Kennedy were collected and identified in 1978 for the House Select Committee on Assassinations and, therefore, currently reside within the CIA-HSCA Sequestered Collection being processed under the JFK Act. It is not our intention to have the CIA re-do exhaustive searches done in 1978. However, we want CIA to demonstrate, in the Final Declaration, that it has searched its various components and that the searches were sufficient to identify major records on the assassination not included within the CIA-HSCA Sequestered Collection (it is our understanding that the Sequestered Collection does not encompass post-1978 records).

[8] For example, Oswald's Office of Security file was not identified through CIA's early searches. Similarly, we have identified recent documents related to Oswald.

In addition, the Final Declaration should confirm whether or not CIA has saved any 1963-64 files of the Mexico City Station (and certain files from another station). If those files have not been retained, please confirm that fact in the Final Declaration. To the extent those files have been archived, however, then please confirm that they have been examined for the purpose of determining whether they contain assassination records.

2. CIA Should Identify More Specifically the Records It Has Released <u>Relating to Oswald and the Assassination of President Kennedy</u>

We recommend that CIA identify more specifically the CIA files that have been, or will be, placed in the JFK Collection at NARA. Although we leave this to CIA's discretion, we recommend that, to the extent practicable, CIA attach a non-classified listing of the files encompassed within the CIA-HSCA Sequestered Collection. We believe that an identification of the files within the CIA-HSCA Sequestered Collection will demonstrate the breadth and variety of assassination records being made public by the CIA.

3. CIA Should Specifically Account for Certain Important Record Groups, <u>Including Any Destruction of Assassination Records</u>

We request that CIA, in its Final Declaration, account for any important records regarding the assassination that may have been destroyed or that otherwise cannot be located.

For example, CIA has reported that the original surveillance tapes that recorded the Oswald telephone conversations with the Cuban Consulate and Soviet Embassy in Mexico City were destroyed, and that CIA has no copies of these audio recordings. However, CIA apparently has preserved certain recordings from Mexico City that post-date the assassination (*see* ¶ A.2 of this letter). We assume that CIA will provide a complete accounting for these records in its response to Review Board request CIA-IR-15, which relates to CIA's "electronic take" from Mexico City for the relevant time period. That response should be attached to the Final Declaration (CIA may also want to attach any formal explanation of this issue that it previously provided to the HSCA). We want to ensure that CIA explains the circumstances for the destruction of the audio recordings of the Oswald telephone calls in Mexico City, confirms that no copies of this audio surveillance has been retained by CIA, and gives a full accounting of the post-assassination Mexico City tapes.

We also request an accounting of certain records of former CIA Director John McCone. In reviewing his files, we noted that certain documents on the assassination (or dated

around the time of the assassination) are identified on an index as missing or destroyed. In the Final Declaration, please explain, as best as possible, the circumstances for this.

We previously requested an accounting for the files of former Counter-Intelligence Chief James Angleton [CIA-IR-04] in view of the fact that no discrete files of Mr. Angleton had been identified under the JFK Act. Since Mr. Angleton was involved in the CIA's assistance to the Warren Commission, we request that CIA's statement regarding Mr. Angleton's files (*i.e.*, CIA's response to CIA-IR-04) be attached to the Final Declaration.

We also ask that CIA verify that all assassination-related materials from the files of Win Scott, former Chief of Station for Mexico City, are in fact in the CIA-HSCA Sequestered Collection. CIA should describe what was done to inventory the Scott files to make certain that no other assassination-related materials exist in addition to those in the Sequestered Collection.

The Final Declaration should identify any other records relating to Oswald or the assassination that CIA knows to have been destroyed or removed from CIA files.

4. The CIA Should Identify, and Incorporate by Reference, Each of Its Written <u>Responses to Review Board Requests for Additional Information</u>

CIA has been cooperative in providing written responses to formal and informal requests submitted by the Review Board regarding CIA records. These responses will collectively demonstrate much of the work that CIA has done under the JFK Act. We request that CIA attach to its Final Declaration a list of CIA's written responses and identify each by subject, date of response, and the Review Board request number. The Final Declaration should state that each response is being incorporated therein by reference.

5. CIA Should State That It Is Aware of No Records on Oswald or the <u>Assassination of President Kennedy Being Withheld from the Public</u>

After describing its records search under the JFK Act, identifying the assassination records that it has located, and accounting for records that were destroyed, CIA should include a representation that it is aware of no other undisclosed files or records relating to Lee Harvey Oswald or the assassination of President Kennedy, including records post-dating the 1978 HSCA investigation. We want the CIA to explicitly confirm, for example, that it is not aware of any undisclosed 1980's or 1990's intelligence or records

relating to Oswald or the assassination.

As part of its overall representation, we request that CIA attach to the Final Declaration its complete formal response to the Review Board's request for an accounting of all pre-assassination files that CIA had on Lee Harvey Oswald [CIA-16]. We believe that CIA's response to CIA-16 has been very valuable and therefore should be included as part of CIA's Final Declaration.

Also as part of its certification that no assassination records are being withheld, we request that CIA represent that any remaining assassination records being processed after September 1998 are, in fact, duplicates of records already in the JFK Collection (or are peripheral documents that have been identified to the Review Board for processing after September 1998). CIA should explain, in a general way, its methodology for identifying duplicates so that there is a reasonable level of assurance that unique documents are not being withheld.

6. CIA Should State Its Future Commitments With Respect to <u>the Disclosure of Assassination Records</u>

As we discussed with CIA, CIA will undertake certain actions, after September 1998, to continue release of duplicate records and to release postponed records in 2017. We request that CIA, in the Final Declaration, memorialize its commitment to undertake these tasks and describe what will be done (as contemplated in ¶¶ A.3 and A.4 of this letter). In addition, we ask that CIA confirm in the Final Declaration that it will place any newly discovered or created assassination records into the JFK Collection.

7. <u>CIA Should Execute the Final Declaration Under Penalty of Perjury</u>

CIA's Final Declaration should be made under penalty of perjury.[9] We have made this request of all agencies that have searched for records under the JFK Act. The Review Board considers it essential that CIA's representations regarding its search for, and release of, assassination records be made under penalty of perjury.

Because of the decentralized nature of CIA records, we ask that the responsible

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[9] The Final Declaration(s) would be executed under oath in the form prescribed by 28 U.S.C. § 1746. Thus, the appropriate CIA official(s) would state at the conclusion of the Final Declaration(s) that "I declare under penalty of perjury that the foregoing is true and correct. Executed in _______, Virginia on this __ day of ___ 1998."

13-00000

individual for certain important components of CIA execute an affidavit on behalf of that component certifying, under penalty of perjury, that a diligent search for assassination records was undertaken. Accordingly, we seek a separate certification from: (1) the DCI area; (2) the Directorate of Operations, including its counterintelligence components; (3) the Directorate of Intelligence; (4) the Directorate of Science & Technology; (4) the Directorate of Administration; and (5) the Office of Information and Management, which we understand to be the office responsible for maintaining CIA's archive records.

Thank you for your continued cooperation in meeting the CIA's obligations under the JFK Act, responding to specific inquiries of the Review Board, and adhering to our compliance program. If you have any questions, please do not hesitate to contact us.

Sincerely,

T. Jeremy Gunn
Executive Director and
General Counsel

cc: Linda Cipriani, Esq.,
CIA

J. Barry Harrelson, Senior Review Officer,
CIA

Steven D. Tilley, Chief, JFK Assassination Records Collection
NARA

13-00000

CIA SPECIAL COLLECTIONS
RELEASE IN FULL
2000

In a 15 July 1998 memo to CIA General Counsel, the JFK Assassination Records Review Board outlined what it expects will be contained in CIA's Final Declaration of Compliance, due to be submitted to the Board no later than 1 September 1998. The following is a summary of all points in section B which covers the Declaration:

B. CIA's Final Declaration of Compliance

1. Specific Description of Searches

a.) Confirmation that relevant components inventoried their holdings for the relevant time periods for records on Oswald or the assassination. These relevant components are: DCI area, Directorates (DO, DA, DI, DST), and the AARC

[Input details to be provided by the IROs]

b.) Attach 1993 search request from HRG and "unclassified versions of memos from components that describe searches and results."

[Note: search request is easy; 1993 responses, however, were thin to non-existent]

Attach recent DCI directive, unclassified version of followup memo to CI, LA, CE and results of the searches. If possible, search terms and databases searched should be included.

[Input details to be provided by the above offices]

c.) 1963-64 files of Mexico City Station. If retained, confirm that they have been searched for assassination records. If not, state so.

[DO to provide information]

2. Provide an unclassified index identifying what files are in the JFK Collection at NARA. To the extent possible, attach an unclassified listing of what files are in the CIA-HSCA Sequestered Collection.

[To be done after October 98]

3. Account for Certain Important Record Groups, include. any destruction of Ass. Records

b.) E.g. is from Mexico City tapes. Attach comment on the time and manner of destruction of any records, including information to the effect that destroyed records were first made available to the HSCA (if that is the case)

[DO/IRO to provide input]

c.) Explain missing McCone files relating to the time of the assassination.

[DCI/IRO to provide input]

d.) Attach CIA's statement on James Angleton's files, especially the fact that Angleton was involved in assisting the Warren Commission but no files have been found on this activity.

[DO/IRO to provide input]

e.) Verify that all relevant materials from Win Scott's files are in the HSCA Sequestered Collection. Describe how the Scott files were inventoried to ascertain that all assassination records were included.

[DO/IRO to provide input]

f.) Identify any other records relating to Oswald/assassination that CIA knows to have been destroyed or removed from CIA holdings.

<u>4. Include CIA's Written Responses for ARRB Requests for Additional Information, with Cross References for each.</u>

[HRP files]

<u>5. Statement that CIA is Aware of No Records on Oswald/Assassination Being Withheld from the Public.</u>

b.) Include CIA response to CIA-16

c.) State that all assassination records being processed after Sept 98 are duplicates of records already in the JFK Collection or have been identified by the ARRB as peripheral.

Explain our methodology for identifying duplicates.

[HRP will handle all answers to No 5]

<u>6. CIA's Future Commitments to Disclosure of Newly Discovered Assassination Records</u>

13-00000

FAX TRANSMISSION

ASSASSINATION RECORDS REVIEW BOARD
600 E STREET, N.W. SECOND FLOOR
WASHINGTON, D.C. 20530
202-724-0088
FAX: 202-724-0457

To: Barry Harrelson

Fax #: 703-613-3063

From: Michelle Combs

Subject: Search Terms

Date: July 22, 1998

Pages: 2 , including this cover sheet.

COMMENTS:

Search Terms

Lee Harvey Oswald
Harvey Lee Oswald
Marina Oswald
Jack Ruby
Exaction
Ex Action
Executive Action
Assassination
President Kennedy
John F. Kennedy
Kennedy Assassination
JFK
JFK Assassination
Presidential Threats
Threats to U.S. President
GPFLOOR
GPIDEAL
Assassination Attempts
Warren Commission
HSCA
House Select Committee on Assassinations

HSCA Names

Alvarado, Gilberto
Arcacha-Smith, Sergio
Azcue Lopez, Esuebio
Cabell, Earle
Calderon, Luisa
Cherne, Leo
Cobb, June Viola
Conein, Lucien E.
de Mohrenschildt, George
Diosdado, Cesar
Duran, Silvia Tirado de
Ferrie, David W.
Garrision, James
Garro de Paz, Elena
Gutierrez Menoyo, Eloy
Hall, Loren Eugene
Heming, Gerald Patrick
Johnson, Priscilla Mary Post
Kantor, Marvin
Kostikov, Valeriy Vladimirovich
Martin, Jack
Masferrer y Rojas, Rolando
McMillan, Priscilla Johnson
McVickar, John Anthony
Nagell, Richard Case
Odio, Sylvia
Pawley, William D.
Proenza, Maria Teresa
Raikin, Spas
Ray, Manuel
Ruby, Jack
Salvat Roque, Juan Manuel
Shaw, Clay
Snyder, Richard E.
Sturgis, Frank Anthony (aka Fioriri)
Veciana, Antonio Carlos Blanch
Webster, Robert Edward
Werbell, Mitchell Livingston III

file

HSCA NAMES

Alferov, Ivan Gavilovich
Alpizar Perez, Evelio
Alvardo, Gilberto
Alvarez, Ramon Joseph
Alvarez Fernandez, Santiago
Alvarez Rodriguez, Santiago
Amron, Irving
Araujo Bernal, Lepoldo
Arcacha-Smith, Sergio
Artime Buesa, Manuel
Azcue Lopez, Esuebio
Bagley, Tennent H. (Pete)
Bakulin, Valentin Vasilyev
Balbuena, Luis
Barker, Bernard
Barnes, Winifred C.
Bartes Clarins, Francisco Antonio
Bartes, Frank
Bartine, Dominick E.
Batista Falla, laureano
Bentin, Sam
Blanco Fernandez, Juan Francisco
Bloc(k), Morris
Bosch Avila, Orlando
Browder, Edward, Jr.
Buetos-Videla, C.Z. (aka Charlotte L. Zehrung)
Bustamente O'Leary, Jose Angel
Cabell, Earle
Cain, Richard S.
Carballido, Emilio
Cavillo, Manuel
Cellini, Dino Vincent
Charles, Clemard Joseph
Chayes, Abram
Cherne, Leo
Christ, David L.
Cisneros Diaz, Rogelio
Citrynell, Harold

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Cobb, June Viola
Coe, Virginius Frank
Conein, Lucien E.
Conte Aguero, Luis
Croizer, Ross L.
Cubela, Rolando
Cuesta Del Valle, Antonio
Dalzell, William
Davidson, Irving
Davis, Rudolph Richard, Jr.
Davis, Thomas E.
Davis, Bruce F.
De Varona, Manuel Antonio
De Torres, Bernardo
de Mohrenschildt, George
Diaz, Lanz Marcos
Diaz-Lanz, Pedro Julio
Diosdado, Cesar
Donovan, John
Du Bois, David (aka Mc Canns, David Graham)
Duque Miyar, Evelio
Duran, Silvia Tirado de
Dutkaniez, Joseph
Echevarria Valdivia, Homer Samuel
Espinosa-Hernandez, Victor
Fernandez, Alberto
Ferre, Luis Albert
Ferrie, David W.
Flick Charles, E
Flores, Jose Jesus Clarck
Frank, Susan Heligman
Galan Ric, Victor
Garanin, Fedor Alexeevich
Garrison, James
Garro de Paz, Elena
Gibson, Richard T.
Godoy y Solis, Joaquin
Golitsyn, Anatoliy
Golub, Grigoriy Y.
Gonzales, Reinol

Guitart Camizano, Agustin
Gutierrez Menoyo, Eloy
Hall, Loren Eugene
Halperin, Maurice Hyman
Hem(m)ing, Gerald Patrick
Hernandez Sanchez, Carlos Eduardo
Hernandez Hechevarria, Alberto
Hoke, John Lindsay
Hunt, Everette Howard, Jr.
Isaacs, Harold
Itkin, Herbert
Johnson, Priscilla Mary Post
Jones, Louis Henry
Kail, Samuel G.
Kantor, Marvin
Kara-Patnitsky, Waldemar boris
Karty, Floryan R.
Keenan, Thoman J.
Koch, Gene John
Korengold, Robert J. (Bud)
Kostikov, Valeriy Vladimirovich
Kutner, Louis
Laborde, Lawrencw J.
Lawson, John Howard
Leonov, Nickolay Sergeyev
Lesnick, Max
Loganov, Valentin Sergeyevich
Lopez, Gilbert Polocarpo
Lorenz, Marita
Luce, Clare Booth
Lynch, Grayson
Maheu, Robert A.
Martin, Willian Hamilton
Martin, Jack
Masferrer y Rojas, Rolando
Mastrocola, Bruce G. (aka Leo Cherne)
Matlak, Dorthe K. (Mrs.)
McCord, James W.
McDonald, Hugh
McLaney, Michael

McLendon, Gordon
McMillan, Prisilla Johnson
McVicker, John A
Merloa, Joseph R.
Meyer, Karl
Miller, Newton
Mirabal-Diaz, Alfredo M.
Mitchell, Bernon
Moore, J. Walton
Morales, David S.
Morales Navarette, Ricardo
Morgan, Eilliam
Morgan, William Alexander
Morua, Martin
Moss, Edward K.
Nagell, Richard Case
Newton, William J.
Nobregas, George
Nunez Portuondo Emilio
Obyedkov, Ivan Dimitriyrvich
Odio, Eunice
Otero, Rolando
O'Sullivan, Fredrick Stephen
Paneque Batista, Victor Manuel
Pawley, William D.
Pedroso Amores, Acelo
Perez Alamo, Duney
Petrulli, Nicholas
Phillips, David Atlee
Pico Ramon, Reinaldo
Pino Machado, Quintin
Pittman, John Orion
Posada, Luis Clemente
Posey, Buford Wallace
Prio Socarras, Carols
Proenza, Maria Teresa
Raikin, Spas
Ramirez Ortiz, Antillio
Randall, Fredrick C.
Rasco, Jose Ignacio

Ray, Manuel
Reggab, Mohammed
Ricciardelli, Libero
Rodriguez, Emilio Americo
Rodriguez y Gonzales, Armesto Napolean
Rodriguez, Tamayo, Francisco
Rodriguez Lopez, Rogelio
Rorke, Alexander
Rothman, Norman
Ruby, Jack
Ruiz, Pedro
Ruiz Perez, Ortestes G.
Salvat Roque, Juan Manuel
Seymour, William Houston
Shaw, Clay
Shaw, Robert Taylor
Sierra, Martinee Paulino
Sloboda, Vladimir
Snyder, Richard E.
Soto Vazquez, Antonio
Stoner, Jessie B.
Sturgis, Frank Anthony (aka Fioriri)
Ulman, Vlastimil
Uzolv, Sergy
Veciana Blanch, Antonio Carlos
Veqa Rerez, Manuel
Wasserman, Jack
Webster, Robert Edward
Werbell, Mitchell Livingston III
Whitehouse Insua, Eduardo Julius
Wichtrich, Alfonso Rudolph
Wickes, Alastar
Wilson Hudson, Carlos Juan
Winston, Henry
Zambernardi, Robert M.
Zarraga Martinez, Carlos

EMPLOYEE BULLETIN

OIM

OIM EB No. 02-98
22 July 1998

FINAL DOCUMENT SEARCH TO ASSURE COMPLIANCE WITH "PRESIDENT JOHN F. KENNEDY ASSASSINATION RECORDS COLLECTION ACT OF 1992" (JFK ACT)

FROM: George J. Tenet
Director of Central Intelligence

1. (U) As you know, the JFK Assassination Records Review Board (Board) is completing its task of overseeing the search and declassification of all Federal government records relating to the assassination of President John F. Kennedy by 30 September 1998. The Board and we want to do everything possible to place before the American people the full story as reflected in government and other records.

2. (U) The Agency has been working on this effort since 1992 and has searched all of the obvious databases. We want to make certain that we have left no stone unturned and that no employee has any records that might possibly be considered relevant to the assassination—including any records created [or received] after 1992. The reference to 1992 is largely intended to encompass documents which may have come into our hands since the collapse of the Soviet Union and Warsaw Pact.

3. (AIUO) In accordance with the provisions of the JFK Act, I hereby direct all CIA personnel to consider documents in their possession or with which they are familiar that might have relevance to the Board's review and that might not have been found in the course of electronic or manual searches over the past six years. Representatives of the Historical Review Program believe that if such documents do exist they would, most likely, be found in files that would not be generally related to the assassination or that would not be "logical" areas for systematic searches. These include working paper files or smaller databases related to countries not normally associated with the assassination. Relevant documents can be in the form of papers, photographs, recordings, tapes, or other media, and can include documents "related to the assassination," such as later investigations, key topics/events within the Oswald/JFK Story, or material related to key figures—such as Nosenko.

4. (AIUO) CIA personnel who believe they have information regarding documents relevant

13-00000

to the JFK review that may not have been found in previous searches should contact their component or directorate IRO or the JFK Project Coordinator. Directorate IROs and the Agency's JFK Project Coordinator are as follows:

		Secure Phone
DO / IRO	William McNair	44448
DI / IRO	Barbara Blufer	54644
DS&T / IRO	Teresa Wilcox	50104
DA / IRO	Becky Rant	31204
DCI Area / IRO	Mary Lou Cummings	39058
JFK Project Coordinator	Barry Harrelson	31825

/s/
Director of Central Intelligence

13-00000

At file

CENTRAL INTELLIGENCE AGENCY
WASHINGTON, D.C. 20505

General Counsel

29 July 1998

Ronald Haron, Esq.
General Counsel
Assassination Records Review Board
600 E Street N.W., 2nd Floor
Washington D.C. 20530

Dear Mr. Haron:

Congratulations on your recent appointment as General Counsel to the President John F. Kennedy Records Review Board ("Review Board"). You have my assurances that, as the Review Board enters its final stages of the review and release of records pertaining to President Kennedy's assassination, you will continue to have CIA's full cooperation.

I am in receipt of the 15 July 1998 letter from former General Counsel Jeremy Gunn in which he outlines CIA's outstanding obligations under the President John F. Kennedy Assassination Records Collection Act of 1992, 44 U.S.C. § 2107 ("JFK Act"). While I recognize that much work needs to be done over the next few months, I am confident that J. Barry Harrelson, Senior Review Officer for CIA's Historical Review Program ("HRP"), together with the rest of the Agency team dedicated to document review under the JFK Act, will complete the outstanding obligations set forth in that letter.

With respect to the Review Board's request that CIA submit a Final Declaration of Compliance under penalty of perjury, we are in the process of identifying the appropriate CIA official to sign such a Declaration. Both HRP and my office will work closely with you to ensure the Declaration contains the recommendations made in Mr. Gunn's letter.

With respect to the suggestion that CIA execute a separate affidavit by an officer from each of the CIA's four Directorates as well as from the DCI area, the Office of Information Management, and the counterintelligence components of the Directorate of Operations, I believe that this is an unnecessarily cumbersome and confusing means by which to attest to Agency-wide record searches. Rather, I propose that the Executive Director of the CIA appoint one senior official as a Records Validation Officer ("RVO"). An RVO has the authority to locate, identify, and preserve records created or maintained by any Agency Directorate or component which are actually or

potentially relevant to the subject matter of the search. An RVO also has authority to execute affidavits or to testify under oath with respect to all the record searches done by every Directorate or component of the CIA. For your information, this is the usual method by which CIA attests under oath to record searches done by more than one Directorate in criminal and civil litigation before the federal courts.

I appreciate this opportunity to assure you of CIA's continued cooperation with the Review Board. Should you have any further questions or concerns regarding this matter, you may contact Linda Cipriani of my office at (703) 874-3124.

Sincerely,

Dawn R Eilenberger
for Robert M. McNamara, Jr.

Ronald Haron, Esq.

DCI/OGC/LD/LCCipriani:nl 76124 (27 Jul 98)

OGC-98-51950

Distribution:
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        1 - GC
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        1 - OGC Registry

13-00000

Assassination Records Review Board
600 E Street NW • 2nd Floor • Washington, DC 20530
(202) 724-0088 • Fax: (202) 724-0457

CIA HAS NO OBJECTION TO DECLASSIFICATION AND/OR RELEASE OF THIS DOCUMENT AS SANITIZED

August 10, 1998

VIA FACSIMILE AND U.S. MAIL

Robert M. McNamara, Jr., Esq.
General Counsel
Central Intelligence Agency
Washington, D.C. 20505

Re: CIA Compliance With the JFK Assassination Records Collection Act of 1992

Dear Mr. McNamara:

Thank you for your July 29 letter regarding CIA's submission of its Final Declaration of Compliance with the President John F. Kennedy Assassination Records Collection Act of 1992, 44 U.S.C. § 2107 ("JFK Act"). I am writing to address CIA's desire that one official certify, under oath and on behalf of the entire agency, that CIA has conducted a thorough search for records relating to President Kennedy's assassination. Your letter and concerns were brought directly to the attention of Review Board members for their consideration. We understand that CIA would prefer that each CIA Directorate not be required to certify separately that it has done an adequate search for records on the assassination, as the Review Board had requested.

The Review Board specifically considered your proposal that the certifying official be a records validation officer appointed by the CIA's Executive Director. The Review Board requests, however, that the CIA's certification be made at the highest levels of the CIA. The Review Board believes that certification by a records validation officer would be insufficient to assure, to the fullest extent possible, public confidence in the CIA's representations that it has searched for and released all relevant materials relating to President Kennedy's assassination. In view of the importance of the CIA's formal representations regarding its holdings on Lee Harvey Oswald and President Kennedy's assassination, the Review Board requests that CIA's Final Declaration of Compliance be certified, under oath, both by CIA's Executive Director and its General Counsel.

I ask that CIA confirm that it will agree to this manner of certification.

13-00000

Robert M. McNamara, Jr., Esq.
August 10, 1998
Page 2

Thank you for your cooperation.

Sincerely,

Ronald G. Haron

Ronald G. Haron
General Counsel

cc: Linda Cipriani, Esq.,
CIA

J. Barry Harrelson, Senior Review Officer,
CIA

OIM 98-0088
12 August 1998

MEMORANDUM FOR: Deputy Director for Administration
Deputy Director for Intelligence
Deputy Director for Operations
Deputy Director for Science and Technology
Administrative Officer, DCI Area

FROM: Edmund Cohen
Director of Information Management

SUBJECT: Documentation of Searches Conducted in Support of JFK Act

REFERENCE: Memo, "CIA compliance with the JFK Assassinations Records Collection Act of 1992," dtd 15 Jul 98, fr the Assassination Records Review Board.

1. The purpose of this memorandum is to advise you of a requirement to provide to the JFK Assassination Records Review Board a "Final Declaration of Compliance" with the JFK Act. The declaration must include: a description of component searches undertaken in response to Board taskings since 1993; information on any possible destruction of assassination records; and a representation that a diligent search for assassination records was undertaken. We are in need of assistance of your staff in preparing the description of these items for inclusion in the compliance response.

2. The referenced memorandum describes the Board's requirements for the "Final Declaration" in greater detail. Jim Oliver, Chief, Historical Review Program and Barry Harrelson, the Agency's JFK Review Focal Point, are meeting with the Directorate Information Review Officer and, as appropriate, other members of your staff to review the information needed to support the certifications which the Agency will need to make.

SUBJECT: Documentation of Searches Conducted in Support of JFK Act

3. In order to meet the 1 September 1998 deadline prescribed by the Board, we request that the information described in paragraph 1 be sent to Mr. Harrelson by close of business, 21 August 1998.

Edmund Cohen

SUBJECT: Documentation of Searches Conducted in Support of JFK Act

DA/OIM/EdCohen:bkh/31352 (11 Aug 98)
share/oim/ed/oim/irg/pjt/jfk/dd draft 980812.doc

Distribution:
Original - Addressees
1 - DCI IRO
1 - DA IRO
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1 - DS&T IRO
1 - D/OIM
1 - C/IRG
1 - C/HRP
1 - OIM/HRP/HRO (Barry Harrelson)
1 - DA Registry
1 - OIM/Subj
1 - OIM/Chrono

ADMINISTRATIVE - INTERNAL USE ONLY

25 August 1998

MEMORANDUM FOR THE RECORD

SUBJECT: (U) Electronic Dissemination of Employee Bulletin

(AIUO) I was requested to send the EB 02-98 (Final Document Search - JFK). The request was distributed to all of the Directorate via Lotus notes on Monday 17 August 1998, the notice was placed in the system on the 18th and received by the Directorate personnel on the 19th. Additionally, we placed it on the morning message that people receive when they first log onto the system.

Fredrick C. Wickham, Jr.

ADMINISTRATIVE - INTERNAL USE ONLY

SUBJECT: (U) Electronic Dissemination of Employee Bulletin

IMS/ESG/HCS Fwickham x44448:mjk (21 August 1998)

Distribution:
Original - C/HRP/OIM
1 - C/IMS/ESG
1 - IMS/ESG/HCS
1 - ESG Chrono File

~~ADMINISTRATIVE - INTERNAL USE ONLY~~

13-00000

27 August 1998

MEMORANDUM FOR: Chief, JFK Declassification Project/HRP/OIM/DA

FROM: Fredrick C. Wickham, Jr.
Chief, Information Management Staff,
External Support Group

SUBJECT: DO Results of New Search for JFK Assassination Records

1. This memorandum is in response to the request from the staff of the Assassination Records Review Board (ARRB). The staff requested that the CIA issue an Agency-wide employee bulletin for a new search for JFK Assassination Records. OIM-98-0081 dated 30 July 1998 was issued.

2. DO/Information Management Staff ran a corporate search of COMET, the DO's electronic message repository. That search generated some 128 hits. Michelle Combs of the ARRB staff reviewed the search results and selected three records for inclusion in the JFK assassination records collection.

3. The three selected documents have been sanitized with Ms. Combs' concurrence. The sanitization is more extensive than JFK guidelines because of the documents' proximity to the present and to current sources and methods.

4. The documents are not herewith attached. They are being provided separately by DO/IMS/ESG/HCS.

Fredrick C. Wickham, Jr.

SUBJECT: (U) DO Results of New Search for JFK
Assassination Records

IMS/ESG/HCS FWickham x44448:mjk (28 August 1998)

Distribution:
Original - C/HRP/OIM
1 - C/IMS/ESG
1 - IMS/ESG/HCS
1 - ESG Chrono File

D/01/n

SEP 4 1998

CENTRAL INTELLIGENCE AGENCY
WASHINGTON, D.C. 20505

Office of General Counsel

31 August 1998

Ronald G. Haron, Esq.
General Counsel
Assassination Records Review Board
600 E Street, NW
Washington, DC 20530

Re: CIA Compliance With the JFK Assassination Records Collection Act of 1992

Dear Mr. Haron:

This letter responds to your 19 August 1998 request that the Central Intelligence Agency confirm, in writing, who will certify its compliance statement. This is to confirm that Edmund Cohen, the CIA's Director of Information Management, will sign.

As Director of Information Management, Mr. Cohen is responsible for providing oversight and direction to the Agency's records and classification management activities, and information declassification and release programs. He is also responsible for the development and maintenance of automated tools to support these activities. He oversees classification and declassification policies, procedures, and practices. He manages the Agency Archives and Records Center, and serves as the CIA Archivist and the Agency Information Review Officer. He coordinates the conduct of all special searches within the Agency and the release of any information uncovered in such searches. Finally, as Director of Information Management, Mr. Cohen is responsible to conduct, on behalf of the Agency, liaison with the National Archives and Records Administration and its Office of the Federal Register, and with the Information Security Oversight Office; and with any other entities on any matters within the responsibility or authority of the Director of Information Management.

We believe that Mr. Cohen is clearly the most knowledgeable individual within the Agency, by position and experience, to execute such a certification. Based upon our short telephone discussion, I understand that he is, in addition, at least as senior as the anticipated signatories from other agencies or departments from which the Board has requested certifications. From a practical standpoint, we at CIA make a concerted effort to assure that the most knowledgeable individuals speak on behalf of

the Agency on important matters such as this. It is for this reason that we have chosen Mr. Cohen.

If you wish to discuss this matter further, please call me on (703) 874-3123.

Sincerely,

Robert J. Eatinger, Jr.
Associate General Counsel

Mr. Ronald G. Haron, Esq.

DCI/OGC/LD/RJEatinger, Jr. 76123 (31 Aug 1998)

OGC-98-52328

Distribution:
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1 - Lit File (LDG00021)
1 - OGC Registry

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D6 SEP 18 1998

EXECUTIVE SECRETARIAT
ROUTING SLIP

		ACTION	INFO			ACTION	INFO
1	DCI		X	11	OPA		
2	DDCI		X	12	DDA		
3	DDCI/CM			13	DDI		
4	ADCI/MS			14	DDO		X
5	EXDIR/CIA	X		15	DDS&T		
6	CHMN/NIC			16	D/OIM		X
7	IG			17	HRP		X
8	GC	X		18			
9	COMPT			19			
10	OCA		X	20			

SUSPENSE DATE: 21 September 1998

DOCUMENT NO: ER 98-4210

Contact Betsy Quint-Moran (x37929) regarding suspense items.

COORDINATION/ROUTING:

EXDIR office to take lead in preparing and coordinating response with OGC.

SUMMARY:

The JFK Assassination Records Review Board has received the Agency's Final Declaration of Compliance. The Board is requesting certifications by the individual directorates, as well as the office of the DCI, or alternatively that the EXDIR and the General Counsel certify that CIA has met its obligations under the JFK Act and certify that no records on the assassination or Lee Harvey Oswald have been knowingly withheld. Absent the requested certifications, the Board considers depositions of senior Agency officials necessary and requests the DDO be made available ASAP, but no later than 21 September, for examination.

Date: 14 September 1998
Received in ER: 14 September 1998
Action Officer: Tracie Matecka x37932

DCI EXEC REG

13-00000

FAX TRANSMISSION

ASSASSINATION RECORDS REVIEW BOARD
600 E STREET, N.W. SECOND FLOOR
WASHINGTON, D.C. 20530
202-724-0088
FAX: 202-724-0457

To: George Tenet, DCI **Date:** 9/14/98

Fax #: 703-482-3064 **Pages:** 3, including this cover sheet.

From: John R. Tunheim, Chair

Subject: CIA Compliance with the JFK Act

COMMENTS:

Assassination Records Review Board
600 E Street NW • 2nd Floor • Washington, DC 20530
(202) 724-0088 • Fax: (202) 724-0457

September 14, 1998

VIA FACSIMILE AND U.S. MAIL

The Honorable George Tenet
Director
Central Intelligence Agency
Washington, D.C. 20505

Re: CIA Compliance With the JFK Assassination Records Collection Act of 1992

Dear Mr. Tenet:

We have received the CIA's Final Declaration of Compliance (dated September 2, 1998) regarding the completion of CIA's work under the President John F. Kennedy Assassination Records Collection Act of 1992, 44 U.S.C. § 2107 ("JFK Act"). On behalf of the Board, I am writing to express the Board's disappointment that CIA has been unwilling to have the most senior officials of your agency attest to CIA's compliance with the JFK Act.

The Board had first asked CIA to submit separate certifications from each directorate, as well as the office of the DCI, attesting to their searches for assassination-related records. We stressed these measures to obtain assurance that all components of the CIA had complied with the JFK Act, as well as to assure the American people that the U.S. Government had left no stone unturned in releasing records on the assassination of President Kennedy. The CIA refused to submit separate certifications, insisting it was their practice for one official to speak on behalf of the entire Agency. The Board then requested that CIA's most senior officials, the Executive Director and General Counsel, certify CIA's Final Declaration of Compliance under the JFK Act. CIA refused.

In 1992, CIA Director Gates testified to Congress that he was "determined personally to make public or to expose to disinterested eyes every relevant scrap of paper in CIA's possession" that related to the Kennedy assassination. *See The Assassination Materials Disclosure Act: Hearing on S.J. Res. 282 Before the Senate Comm. on Governmental Affairs*, 102d Cong., 2d Sess. 55 (1992). The Board has merely asked that CIA's highest officials confirm that they are fully confident that this commitment has been fulfilled. While we recognize the substantial documentation provided by CIA to demonstrate its work under the JFK Act, we are disappointed that CIA has been uncooperative in responding

to this most simple of requests. For me personally and for other members of the Board, this raises significant concerns as to whether CIA's highest officials actually have confidence in the reliability of the results for which the Review Board and CIA have expended considerable effort, energy and resources over the past five years. Such concerns may be noted in our Final Report.

Therefore, the Review Board specifically requests that CIA submit certifications by the individual directorates, as well as the office of the DCI, or, in the alternative, that the Executive Director and the General Counsel certify that CIA has met its obligations under the JFK Act and certify that no records on the assassination or Lee Harvey Oswald have been knowingly withheld. We continue to believe that these more stringent certifications are needed, in part because of CIA's belated discovery of core records relating to the assassination.

Absent certification by the highest levels of CIA, as sought by the Board, the Board considers depositions of senior Agency officials to be absolutely necessary. Accordingly, pursuant to our authority under the JFK Act, the Board requests that CIA make the Deputy Director for Operations immediately available for deposition. The Directorate of Operations has been the primary repository for records directly relating to Lee Harvey Oswald and the assassination. In fact, the Directorate of Operations only recently uncovered additional records relating to a KGB source with information relating to Lee and Marina Oswald. We ask that the Deputy Director of Operations be made available for examination as soon as possible, but no later than September 21. He will be expected to testify on behalf of the Directorate of Operations regarding its record systems, and its searches for assassination records, including searches conducted by the Counter-intelligence staff.

Thank you for your cooperation, and please inform us as soon as possible regarding CIA's compliance with this Review Board request.

Sincerely,

John R. Tunheim

John R. Tunheim
Chair

Assassination Records Review Board
600 E Street NW • 2nd Floor • Washington, DC 20530
(202) 724-0088 • Fax: (202) 724-0457

CIA HAS NO OBJECTION TO
DECLASSIFICATION AND/OR
RELEASE OF CIA INFORMATION
IN THIS DOCUMENT

September 16, 1998

VIA FACSIMILE AND U.S. MAIL

Robert M. McNamara, Jr., Esq.
General Counsel
Central Intelligence Agency
Washington, D.C. 20505

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, Maryland 20740-6001

Re: CIA Compliance With the JFK Assassination Records Collection Act of 1992

Dear Messrs. McNamara and Stern:

The Review Board considers it essential that certain remaining obligations of the CIA under the President John F. Kennedy Assassination Records Collection Act of 1992, 44 U.S.C. § 2107 ("JFK Act") be identified and memorialized before the Board ceases operations on September 30, 1998.

I therefore am enclosing, for your agencies' consideration, a draft Memorandum of Understanding setting forth the outstanding obligations of CIA under the JFK Act. We believe that it is in the interest of the CIA, the National Archives, the Review Board, and ultimately the public to put in writing our collective understanding of the additional work that CIA must undertake and the reasonable time frames within which it should be completed. It is our intent to reduce any future ambiguity or disagreements that may potentially arise as CIA completes its work. We also believe that this MOU will facilitate the ability of the Archivist of the United States to carry out his statutory obligation to certify to the President that all assassination-related records have been released in accordance with the Act (*see* 44 U.S.C. § 2107(12)).

The terms of a Memorandum of Understanding have been discussed among the staffs of the Review Board, the National Archives, and CIA. We believe that the enclosed draft proposal is a fair accommodation of competing interests. Please review the

Robert M. McNamara, Jr., Esq
Gary M. Stern, Esq.
September 16, 1998
Page 2

enclosed draft MOU so that we can resolve any outstanding issues and ultimately reach an agreement on an MOU before September 30, 1998.

Thank you for your attention to this matter.

Sincerely,

Ronald G. Haron

Ronald G. Haron
General Counsel

cc: J. Barry Harrelson, Senior Review Officer,
CIA

Steven D. Tilley, Chief,
JFK Collection, NARA

DRAFT

MEMORANDUM OF UNDERSTANDING REGARDING CONTINUING OBLIGATIONS OF THE CIA UNDER THE JFK ACT

WHEREAS the operations of the Assassination Records Review Board ("Review Board") cease on September 30, 1998 in accordance with the President John F. Kennedy Assassination Records Collection Act of 1992, 44 U.S.C. § 2107 ("JFK Act");

WHEREAS the JFK Act provides that "the provisions of this Act [as applied to Federal agencies] shall continue in effect until such time as the Archivist certifies to the President and the Congress that all assassination records have been made available to the public in accordance with [the] Act" (JFK Act § 12); and

WHEREAS the Central Intelligence Agency ("CIA"), the Review Board, and the National Archives and Records Administration ("NARA") seek to ensure that the CIA completes its continuing obligations under the JFK Act in a timely fashion;

IT IS HEREBY AGREED by the CIA (including any successor intelligence agency), the Review Board, and NARA that:

1. All CIA records identified as assassination records under the JFK Act will be placed in the JFK Assassination Records Collection ("JFK Collection") at NARA in College Park, Maryland by September 30, 1998 unless otherwise noted in this Memorandum of Understanding;

2. CIA may transmit the following assassination records to the JFK Collection after September 30, 1998:

   a. Duplicate documents within the CIA-HSCA Sequestered Collection (both hardcopy and microfilm sets).[1] The CIA will ensure that, by September 30, 1999, duplicate copies of documents from the CIA-HSCA Sequestered Collection (both hardcopy and microfilm sets) will be placed in the JFK Collection.

   b. Duplicate documents within the working files of CIA officer Russ Holmes. The CIA will ensure that, by December 31, 1998, duplicate copies of documents from the Russ Holmes working files will be placed in the JFK Collection.

---

[1] "Duplicate documents" are exact copies of documents that are already publicly available in the JFK Collection as part of other CIA files or records.

DRAFT

c. The audio tapes, and any transcriptions or summaries made by the CIA, from surveillance of certain Soviet and Cuban diplomatic facilities in Mexico City for the period November 22, 1963 to January 1964. These tapes (approximately 185), and any transcriptions or summaries, shall be placed in the JFK Collection by September 30, 1999. The CIA will submit these tapes to the JFK Collection on a rolling basis, as CIA completes review of individual tapes. Any postponements shall be identified to NARA and postponed information forwarded to the "Protected Collection" (*i.e.*, the classified, postponed records within the JFK Collection) in accordance with Section 5(e) of the JFK Act.

d. Working files from the DCI area, mostly from DCI's Executive Registry, that had been compiled in anticipation of passage of the JFK Act. These working materials, which consist mostly of duplicate documents, shall be placed in the JFK Collection by Decmber 31, 1998.

e. A document containing a list of names and cryptonyms created by the HSCA staff. Given the detailed nature of information in this document (RIF No. 104-10061-10115), the Board agrees that this can be processed by December 31, 1998.

f. Any other non-duplicate assassination-related records created or discovered by the CIA after September 30, 1998.

3. The CIA will review its equities in records that have been referred to it, and the CIA will cooperate with NARA and other Federal agencies to ensure that such records are released under the standards of the JFK Act and placed into the JFK Collection. The CIA will review the following major categories of records:

a. Church Committee records identified by the Review Board in August 1998 as being assassination-related.

b. Records from the files of Robert F. Kennedy, maintained at the JFK Library, that the Library and/or Review Board has identified as either assassination records or as records that would enhance the historical unnderstanding of the assassination.

c. Records of the Rockefeller Commission, maintained by the Manuscript Division at the Library of Congress, to the extent that the Library of Congress identifies assassination records that are not available as part of the Ford Library set of Rockefeller Commision documents in the JFK Collection.

DRAFT

d. The Army's Investigative Records Repository file on Alfredo Mirabal Diaz.

The CIA will complete its review and and recommendations for release of the major record categories listed above no later than April 30, 1999. To the extent there may be other agency documents requiring CIA review under JFK Act, the CIA will continue to undertake such review.

4. The CIA shall handle the certain original or postponed records in the following manner:

a. By September 30, 1998, CIA shall transmit to the "Protected Collection," in accordance with Section 5(e) of the JFK Act, the originals of all postponed records from Lee Harvey Oswald's 201 file, Office of Security file, and "A" file.

b. By September 30, 1998, CIA shall transmit to the "Protected Collection" the hardcopy original of Marina Oswald's 201.

c. By September 30, 1998, the CIA will transmit to the "Protected Collection" all of the original microfilm rolls for the CIA-HSCA sequestered collection.

d. By September 30, 1998, the CIA will transmit to the "Protected Collection" all records with postponed information to the extent that such records are not available on the CIA-HSCA microfilm rolls transmitted to NARA.

e. By October 30, 1998, the CIA will transmit to the "Protected Collection" the entire Oswald 201 file that was printed from the CIA-HSCA sequestered collection microfilm (this will provide the CIA with time to make its own reference copy).

f. By December 31, 1998, CIA shall transmit to the "Protected Collection" the originals of all postponed records from the Russ Holmes working files (this will permit the CIA to process duplicate records in the Holmes Collection by that date).

5. The Review Board and the CIA have determined that certain materials reviewed under the JFK Act are not believed to be relevant to the Kennedy assassination (designated "NBR"), but nonetheless should ultimately be placed in the JFK

Collection. These NBR materials are: certain files contained within the CIA-HSCA sequestered collection; certain CIA work files relating to Yuri Nosenko (but not related to the assassination);[2] certain materials within the Russ Holmes Collection; and the complete version of certain records, portions of which were designated as assassination-related by the Review Board in connection with its requests for additional records and information. These hard copy materials will be physically retained by the CIA and then forwarded to the JFK Collection for public release by October 26, 2017. Within two months of the execution of this agreement, the CIA shall provide to NARA, in writing, a list of the hardcopy files being retained until 2017 and confirm the arrangements for securing this material. NARA shall have the right to inspect and inventory this material for archival and administrative purposes before 2017, and these materials shall be made available for inspection by NARA upon its request.

6. The CIA shall cooperate and coordinate with NARA in carrying out the provisions of the JFK Act, including Section 5(g) of the JFK Act, which provides for the "periodic review" of postponed assassination records. Such review "shall address the public disclosure of additional assassination records in the Collection under the standards of the Act" (§ 5(g)(2) (A)) and "shall serve to downgrade and declassifiy security classified information" (§ 5(g)(2)(C)).

7. The CIA recognizes that, in the year 2017, "[e]ach assassination record shall be publicly disclosed in full . . . ." JFK Act § 5 (g). To the extent that records are postponed but are to be released on a date prior to 2017, NARA shall release the records on the date the Review Board set for release. If the CIA seeks continued postponement of any record in the year 2017 (or an earlier scheduled release date), it will be incumbent upon the CIA to obtain from the President "certification" that continued postponement is necessary. *See* JFK Act § 5(g)(2)(D). Within six months of the scheduled release date, the CIA shall be responsible for notifying NARA of any specifc records, including any records within the microfilm rolls for the CIA-HSCA sequestered collection, for which it will seek Presidential certification of continued postponement.

With respect to the NBR material identified in paragraph 5, these NBR materials shall be physically transferred to NARA by October 26, 2017 for release. In the event CIA seeks further postponement of any NBR material, it shall identify that material to NARA and seek Presidential certification that the material needs to be postponed.

---

[2] The Nosenko materials related to the assassination have been placed in the JFK Collection.

DRAFT

8. With respect to the review of other agency documents referred to CIA, the review of any new assassination records, or the periodic review of postponed assassination records, the CIA shall, in good faith, continue to apply the postponement criteria of the JFK Act as previously interpreted by decisions of the Review Board.

9. This Memorandum of Understanding is intended to clarify the CIA's obligations under the JFK Act in view of the expiration of the Review Board's term on September 30, 1998. This Memorandum of Understanding shall not be interpreted to limit CIA's obligations under the JFK Act.

Date:____________________ Signed:______________________

David W. Carey
Executive Director
Central Intelligence Agency

Date:____________________ Signed:______________________

Laura A. Denk
Executive Director
Assassination Records Review Board

Date:____________________ Signed:______________________

John W. Carlin
Archivist of the United States

SEP 21 1998

THE DIRECTOR OF CENTRAL INTELLIGENCE
WASHINGTON, D.C. 20505

16 September 1998

Mr. John R. Tunheim
Chair, Assassination Records
Review Board
600 E Street, NW
Washington, DC 20530

Re: JFK Assassination Records Collection Act of 1992

Dear Mr. Tunheim:

This will respond to your 14 September 1998 letter regarding Central Intelligence Agency compliance with the "JFK Act."

I have no doubt whatsoever that the CIA has fully met its obligations to locate, review, and release "assassination records" as defined in the JFK Act. The Agency's 2 September 1998 Declaration of Compliance—signed, as you note, by CIA's Director of Information Management, Edmund Cohen—confirms my judgment. I have full confidence in the scope of the Agency's searches as described in Mr. Cohen's recent declaration.

As Director of Information Management, Mr. Cohen is directly responsible for CIA's records systems and for ensuring the adequacy of CIA's search, review, and release of documents under the JFK Act. Mr. Cohen signed the Agency's Declaration of Compliance because he was the most senior Agency official with direct personal knowledge that its statements were accurate and complete. There was no more appropriate signatory.

In sum, I understand that the appropriate CIA staff officers have worked diligently to locate and disclose to the JFK Board all relevant records in the Agency's possession and that they do not believe any other relevant records are being withheld from the Board. Mr. Cohen's declaration confirms my understanding.

I trust that this will meet your requirements.

Sincerely,

George J. Tenet

REFERENCE